By Mr. McANDREWS: Petitions of all of the various branches of the Holy Name of Jesus societies, of Chicago, Ill., favoring the erection of a statute to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Petition of American Circle, Brotherhood of the Union, of Pennsylvania, favoring the passage of the Valley Forge National Park bill—to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 11385, granting an increase of pension to Eleanor H. Hord—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of Building Trades Council of Milwaukee and vicinity, Wisconsin, against combinations on the necessities of life—to the Committee on the Judiciary.

Also, petition of J. H. Newman and others, of Milwaukee, Wis., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Way and Means.

By Mr. PATTERSON of Pennsylvania: Resolution of Polish Society of Minersville, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Retail Clerks' Union No. 225, of Pottsville; United Mine Workers' Union No. 1500, of Mahanoy City; No. 1479, of Centralia; No. 1517, of Ashland; No. 1534, of Heckscherville; No. 863, of Forestville, and No. 1562, of Pottsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RAY of New York: Petition of Charity A. Seibell, widow of Joseph S. Seibell, Binghamton, N. Y., to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

Also, petitions of citizens of Ithaca and Ludlowville, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Petition for the relief of Mattie H. Ligon, of Alabama—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany House bill for the relief of Thomas O'Connor—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Harmonia Singing Society, of New York, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. THAYER: Resolutions of Bay State Lodge, No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of residents of Millville, Mass., favoring House bills 11535 and 11536, for the protection of birds—to the Committee on Agriculture.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of H. H. Lipkowitz, of Quakerton, Pa., asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 2, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

BUFFINGTON-CROZIER GUN CARRIAGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 24th ultimo, copies of official reports in regard to the Buffington-Crozier disappearing gun carriage made to the Department or to the Board of Ordnance and Fortification; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of The Eastern Cherokees *v.* The United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT C. JAMESON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert C. Jameson, administrator of David Jameson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. CUSHMAN, and Mr. BRICK managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13169) relative to third and fourth class mail matter; and

A bill (H. R. 13650) to correct the military record of James M. Olmstead.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Lodge No. 414, Brotherhood of Locomotive Trainmen, of Decatur, Ill., and a petition of Local Division No. 404, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of Local Division No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Lodge No. 361, Brotherhood of Locomotive Firemen, of Washington, and of Lodge No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, of Round Lake, N. Y., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Twenty-seventh Assembly Republican Club, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Liberty, N. Y., praying for the repeal of the tariff duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

Mr. BURNHAM presented a petition of Iron Molders' Local Union No. 334, American Federation of Labor, of Laconia, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Antrim, Woodsville, Colebrook, and Exeter, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Lodge No. 301, Brotherhood of Railroad Trainmen, of Woodsville; of Lodge No. 46, Brotherhood of Locomotive Firemen, of Woodsville; of the Central Labor Union of Concord; of Carpenters and Joiners' Local Union No. 538, of Concord; of Bricklayers' Local Union No. 4, of Concord; of Bricklayers' Local Union No. 2, of Portsmouth; of Brewery Workmen's Local Union No. 229, of Portsmouth; of Carpenters and Joiners' Local Union No. 931, of Manchester; of Lodge No. 235, Brotherhood of Railroad Trainmen, of Manchester; of Carpenters and Joiners' Local Union No. 579, of Nashua, and of Lodge No. 266, Brotherhood of Railroad Trainmen, of Nashua, all in the State of New Hampshire, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KEAN presented petitions of Local Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City; of Lodge No. 592, Brotherhood of Railroad Trainmen, of Jersey City; of Lodge

No. 119, Brotherhood of Railroad Trainmen, of Jersey City, and of Lodge No. 72, Brotherhood of Locomotive Firemen, of Camden, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Jersey City, N. J., praying that an appropriation be made to furnish certain comforts and extras for the soldiers of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Third Ward Republican Club of Camden, N. J., praying for the enactment of legislation to prohibit the formation of any or all combinations tending to raise the price of meats and all other necessaries of life; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of Tip Top Lodge, No. 396, Brotherhood of Locomotive Firemen, of Goodland, Kans., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Building Trades' Council, American Federation of Labor, of Milwaukee, Wis., praying for the enactment of legislation to regulate trusts; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, Wis., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

Mr. BURROWS presented petitions of William E. Shoemaker, of Cheboygan; of W. E. Robinson, of Mackinaw; of Charles Mollhagen, sr., of St. Joseph; of the D. A. Trumpour Company, of Bay City, and of Hansen & Jensen, of Escanaba, all in the State of Michigan, praying for the establishment of a biological station on the Great Lakes; which were ordered to lie on the table.

He also presented petitions of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Port Huron; of Park Lodge, No. 55, Brotherhood of Railroad Trainmen, of Detroit; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Good Will Lodge, No. 103, Brotherhood of Railway Trainmen, of Gladstone, and of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented memorials of sundry business firms of Kalamazoo and Muskegon, in the State of Michigan, remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Northwestern Manufacturers' Association, of St. Paul, Minn., praying for the reorganization of the consular service; which was ordered to lie on the table.

LEASING OF PUBLIC LANDS FOR GRAZING PURPOSES.

Mr. GIBSON. Mr. President, no subject at this time deserves more careful attention from the Congress and from the people of the whole country than the disposition of the public domain. Shall the lands owned by the nation, embracing millions of acres, be preserved for homeseekers or shall they be turned over in a body to individuals and nonresident corporations, whose herds and flocks now graze upon them? As several bills are at this time before Congress that provide for leasing to live-stock owners all Government lands, under certain restrictions, between the one hundredth degree of longitude and the Pacific Ocean and extending from our northern boundary to Mexico, I ask that the following able review of Senate bill No. 3311, from the Department of the Interior, be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Montana asks that a communication from the Interior Department, relating to a bill pending in the Senate, be printed in the RECORD. Is there objection?

There being no objection the communication was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

APRIL 14, 1902.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt, by reference from your Department for report, of Senate bill No. 3311 (Fifty-seventh Congress, first session), entitled "A bill to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation." I have the honor to report as follows:

The bill, if enacted into law, will make subject to lease all vacant public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, an area embracing about 525,000,000 acres. The leases are to run for a term of ten years, with the privilege of renewal for a term of ten years more. The annual rental is to be 2 cents per acre. The net revenue derived from the lease is to constitute a reclamation fund for the construction of irrigating works on the arid and semiarid lands. Preference in securing leases is given to three classes of persons:

First. Owners of cultivated agricultural lands for leasable lands abutting on their freeholds, to the extent of 10 acres of leasehold to 1 acre of freehold.

Second. Stock growers who are also freeholders, to the extent of 10 acres of leasehold to 1 acre of freehold. The bona fide holders of State leaseholds also have the privilege, provided such State leaseholds are not held by any one person in tracts exceeding 640 acres in one body. This privilege extends only to lands in counties where the stock of the lessee habitually ranges.

Third. Stock growers, whether freeholders or not, who are in actual use and occupancy of public lands during the year ending January 1, 1901, such lands to be leased to them in proportion to their respective interests and use thereof.

These three preferred classes are to have six months in which to secure leases, after which the remaining lands are to be leased to the first applicant. Freehold rights are not to apply to town-site property, and lands deriving title from Spanish or Mexican land grants are to have freehold privileges only to the extent of 20,000 acres in any one ownership. Only citizens of the United States, corporations created under the laws of any of the States, are to be entitled to secure leases. A lease my be canceled by the Secretary of the Interior when the holder becomes ineligible or for nonpayment of rent.

Any leases may also be canceled at any time as to any land that may be required by the United States or any State for irrigation works as to any lands that may be condemned by any private citizen for such uses and as to any arid lands that shall have been reclaimed and made subject to irrigation. The bill also contains a provision making live stock which are herded or grazed upon any lands so leased without the permission of the lessee liable for all damages done while being herded or grazed thereon. Action for such damages is to be brought in a United States court, and the live stock may be seized under attachment process issued from said court.

The bill is objectionable as well as indefensible from many points of view. While it provides leases for stock-growing purposes alone, it subjects all classes of lands to such lease, and confers upon the Secretary of the Interior no power whatever to refuse a lease to any vacant public land that may be applied for, except it may be such as has been homesteaded or is mineral in character. It may be land proper for disposition under the desert-land law, or it may be valuable for agricultural purposes, or for its timber, yet all such classes are made available for the leasehold privilege. Nearly all of the public domain lying west of the Mississippi River (exclusive of Alaska) is included within the provisions of this bill, and when once leased any disposal which the Government may desire to make of such lands (except under the homestead or mineral laws, or for reclamation purposes) must be subject to the leasehold.

It is not understood why valuable timber and desert lands are not excluded from its operation. Under the desert-land law the Government, during the last fiscal year, disposed of 152,160 acres, while under the timber and stone act there were sold 396,445 acres, for which it received the sum of $1,144,964 in that one year. Nor can it be said that a very large portion of the land opened to leasehold for stock purposes is unfitted for agriculture. The contrary is shown. Should such lands be thus withdrawn from the usual disposition a gross injustice will be done.

In the domain made subject to this bill there never were so many entries made by actual settlers of agricultural lands as in the past year, and the present year will even surpass the rest in the acreage acquired of homestead lands alone. In this same portion of the United States now proposed for lease there were taken during the last fiscal year 53,654 original homesteads, covering 7,874,255 acres, and during the same period there were made 27,904 final homestead entries, embracing 4,135,819 acres. Here were 81,558 persons—and most of them representing families seeking homes in the West. These entries covered more than 12,000,000 acres for actual homesteads in twelve months' time.

Evidence tends to show that great portions of the public domain, thought some years ago utterly irreclaimable and impossible for cultivation, are now successfully farmed and produce abundant crops of the cereals and esculents, and all without the aid of artificial reclamation. Other extensive areas entered under the homestead law are irrigated by private effort from streams near by, and are the making of happy homes. The desert-land law in this respect has also invited energy and capital to its aid and surprising results are accomplished. The demand of last year for such entries on the vacant lands is shown by the figures previously given.

Another objection is noticeable in the low price at which lands are to be leased. It has no parallel either in the leasing of lands belonging to railroad and wagon-road corporations, nor in the leasing of Indian lands by the Government. The minimum price fixed by the Government in its sale of the public lands is $1.25 per acre. Even 3 cents an acre for lease would only represent a fraction over 2 per cent annual interest on the lowest Government price per acre. It is presumable that even at this low figure only such lands will be leased as will produce a good revenue to the lessee. When it is understood that an applicant has his own choice of the millions of acres made subject to leasehold it can be seen how grossly inadequate is the compensation provided, and how unjust is such an imposition upon the public interests. Two cents an acre for much of the inferior vacant lands would be an inadequate price, but when the choice of the public grazing lands is likewise offered at this insignificant price the bill becomes subject to the imputation of being a vast scheme in the interests of a few by which valuable property of the public is taken for private use without just compensation. It practically amounts to a donation. Some might designate it as a huge "graft."

Another most serious objection is that as to the provision making preferences in favor of certain classes. First, the owners of cultivable agricultural lands are entitled to all lands abutting their freeholds to the extent of 10 acres of leasehold to one of freehold. This will be of little value to the owners of small freeholds, since it is known that comparatively few of such people own farms or cultivable lands which are adjacent to the vacant public lands. The real beneficiaries will be those extensive stock growers who already own large tracts of land on the confines of the public domain, of which only small tracts can be cultivated for vegetables or for hay, the great body being primarily used for stock grazing. Second, freeholders who are also stock growers are entitled to the additional privilege of lease of lands which do not abut their freeholds, while the freehold farmer or settler not a stock owner is denied this privilege.

Then again, this last privilege, the bill reads, "shall apply only to lands within the counties upon which their stock habitually ranges." Not only may any portion of the vacant lands of a county be leased if the lessee's stock

grazes in that county, but if the land be insufficient, or for any reasons the herd may be divided and placed in other counties where they can "habitually graze," and thus entitle the same owner to the preference in a number of counties at the rate of 10 acres of leasehold to 1 acre of freehold, wherever such freehold may be. As if this wholesale opportunity were not enough, the same bill allows the further preference to lands not leased under the above provisions to be given, not to settlers, but to the "stockgrowers who were in actual use and occupancy of said lands during the year ending January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof." Why this nunc pro tunc preference should so specifically relate back to that identical year ending January 1, 1901—one year and almost four months ago—is not apparent. It leaves the impression that it is intended for some specific individuals or for some concealed associations. What becomes of the unfortunate stockmen whose occupancy only commenced in the year ending January 1, 1902? Why this unseemly discrimination between stockmen themselves? The bill should be condemned if for only this attempt at what seems to be personal favoritism at the expense of others.

Nor is there any specific limitation fixed for this last act as to area. The language is "to be leased to them in proportion to their respective interests in and use thereof." Does this mean that what is left or not leased and so occupied shall be divided pro rata? What definition shall be given the words "actual use and occupancy?" The cattle of some herds extend over many miles of range, embracing numerous townships. Shall this ranging be interpreted as "use and occupancy?" If so, it may exceed a basis of one thousand of leasehold to one of freehold. It is too indefinite to be understood. This may be of service to those who desire the advantage of such doubtful phrase, but the Government should insist upon certainty and clearness in its legislation, as well as justice in its policy. When, during the negotiations for the acquisition of the Louisiana purchase, Marbois, Napoleon's minister of the treasury, complained to Napoleon that the boundaries of the purchase were very indefinite, Napoleon replied, "that if an obscurity did not already exist, it would perhaps be good policy to put one there." In our country the departments and the courts in the end must interpret provisions of law, and Congress should insist that before final enactment a bill should be positive and unambiguous in its terms.

As another evidence of the extent to which preference rights are given under this bill to certain privileged classes attention is called to the clause providing that even certain leaseholds may be held to be freeholds upon which to base a right to vacant lands.

Where, for instance, a person leases State lands not exceeding 640 acres, although he may not be the owner of a single acre, he may lease Government lands on the basis of 10 to 1 on such mere leasehold. One, therefore, holding 640 acres under a lease from a State can occupy 6,400 acres of Government land, under this bill. It can thus be seen how many convenient ways are provided for one stockman to secure enormous tracts of the public domain, and all for 2 cents an acre, with ten years' tenure, with the privilege of renewal for another ten years. It is practically a twenty years' lease at 40 cents an acre for that whole period.

There remains another portion of this bill more indefensible than all. The first section holds out the hope that settlers shall have the right of homestead—indeed, that the lands "shall be leased for stock-grazing purposes, subject to the right of homestead and mineral entry." This would seem to place the homesteader far ahead. Let what follows expose this fallacy, this vain promise. Section 7 provides "that live stock which are herded or grazed upon any lands so leased without the permission of the lessee shall be liable for all damages done while being herded or grazed thereon, together with costs and reasonable counsel fees, to be fixed by the United States court." The first victim to suffer the penalty of this cruel provision will be the very one the bill assumes first to recognize—the homesteader.

The settlers on the public domain are usually poor, and it is a long while before they are able to inclose much of their 160-acre tracts; as a result their few stock naturally move upon the adjacent uninclosed lands, and if they be leased the settler must suffer the severe penalty imposed for failure to prevent his stock passing over the line. The consumption of the grass by his few head of cattle or sheep the law will hold to be a damage, and then will follow the seizure of the property with a trial in the courts and a judgment for damages, costs, and counsel fees. The suits are not in the near-by State courts, but, as so often happens, are to be held in the far-away Federal courts, and where the court terms are but once or twice a year. It will be noticed, too, that the lessees (who will be mainly the large stock owners) are not made liable for any damages by their herds which may pass over and destroy the grasses upon the uninclosed and unperfected homestead of the settler, and yet he is made liable for damage done by his few stock which may encroach on the unfenced leasehold. With such aggravating conditions what must be the alternative for the settler? He must either construct 2 miles of fence to inclose his quarter section of homestead or he must herd his stock. As he is too poor to do this, he must see his grasses consumed, his stock pursued and seized, his means exhausted, and at last must abandon his little home which the law has given him, or perhaps sell out at a sacrifice to the very occupant of the leasehold who was the author of his misfortunes.

This rank injustice is not only inflicted upon the homesteader, but upon the small stock owner as well. The one upon a limited freehold or upon a desert-land claim on the broad expanse of the vacant domain will alike be subject to this unjust provision. The insincerity of the bill in its profession for the homesteader is made more manifest in its failure to allow him any lease until after he perfects title. During his five years' residence he must witness the leasing by the large freeholders and favored classes of all the lands surrounding him, knowing full well that when he makes his final proof he will be utterly cut off and deprived of any leasehold adjoining him. Why should his homestead before patent not entitle him to the basis of 10 acres of leasehold to 1 of homestead? Why postpone to him this relief until he shall become a freeholder? Such discrimination amounts to a declaration that the homesteader and small owner must either surrender at a loss or move on. The American settler as a general rule is a law-abiding man. He is not seeking trouble or litigation, and will prefer to forfeit his homestead rather than invite contention and sacrifice. There are others, however, more assertive of their rights who will maintain a defiant attitude, and it is with such that the conflict will be continued, as the contests in this office and the proceedings in courts, and sometimes in the field, sadly attest.

Attention is further invited to that clause in the bill making all leases subject to assignment. The effect of this will be to confer upon leaseholders the right to sublet to different persons for valuable consideration, thus giving the original lessee the power to collect large rentals upon the merely nominal price which he himself pays to the Government for the leasehold, and thus to oppress and take advantage of those whose necessities will compel compliance. This right of assignment or sublease will be of immediate value and of special service to the absent landlords, who, residing in the large cities of the East, may thus control the millions of acres of public domain, not alone for their own stock purposes, but for speculation and actual sale to the highest bidders for the preference right of leasehold. The settler and the small stock grower must seek terms from the large associations. Under the right to assign a leasehold an interesting question may arise as to whether a person having already leased direct from the Government large acres can also become an assignee of the leasehold of another. This would seem to be allowable, and if it be conceded then the possible dominion of any one magnate or trust over consolidations embracing enormous tracts of the public domain for twenty years may be viewed with alarm should the bill become a law.

If it be determined to allow any leasehold of vacant lands for stock purposes it would seem that there should be a classification of the lands only fit for grazing, and there should be fixed a reasonable maximum in area for any person or association; and in addition it should be required either that a rental value be designated for certain localities or else that the Department should decide what should be a reasonable rental per acre before approving a lease. If there should be a profit on such leases it should inure to the Government, the proprietor of the lands.

As a further precaution, all assignments should be prohibited. The right should only come direct from the Government. Settlers on the range or residing near the same, and whose stock are in the habit of grazing thereon, should be entitled to a lease thereof, as well as freeholders, and the settlers should have the preference. It might also be considered whether authority should not be given to provide against overstocking the range, in order that the grass supply be maintained; and to do this the capacity of various ranges could be ascertained and only such number of stock permitted as the range will justify. This practice has proven satisfactory in our forest reserves and might be advisable on the unreserved grazing lands.

Nor should we lose sight of another misleading provision in section 6 of this bill, which purports to make only citizens of the United States beneficiaries of the leasehold, whereas in the same section "corporations created under the laws of any of the States" can also become beneficiaries. It is well known that the shares of these corporations may be owned largely by foreigners, and hence the section is inconsistent with itself. If it be, furthermore, the purpose of the sweeping preference given by this bill to protect many large cattle companies and corporations who have inclosed extensive areas of the public domain, and who have maintained fences in violation and in defiance of the law, and who now propose to validate such unlawful structures which the Department has been for years, and is now, endeavoring to remove, this bill, if it becomes a law, will answer that purpose completely.

That suspicious clause which gives a leasehold preference to the favored stock owners who were in the "use and occupancy" of any vacant lands during the year ending January 1, 1901, may perhaps include many who were then behind unlawful fences. The opinion has been expressed by some that the authorities regard the law prohibiting any exclusive control of the vacant lands as inoperative, and, indeed, justify the same, and the suggestion is made in proof that no enforcement of the law is in evidence. This is a mistake. The courts and the departments have been active in numerous prosecutions and removals of inclosures. In the case of Canfield *v.* United States (167 U. S., 524) the Supreme Court, referring to inclosures of vacant lands, said:

* * * "The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. * * * It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain, and thereby practically drive intending settlers from the market. It needs no argument to show that the building of fences upon public lands with intent to inclose them for private use would be a mere trespass, and that such fences might be abated by the officers of the Government or by the ordinary processes of courts of justice."

As to departmental action, it can be said that about 436 cases of unlawful fencing were reported by special agents, and notices to remove served upon the offenders. About 83 removals were voluntarily made after such notice. About 324 suits were recommended and cases reported to the United States district attorneys based upon special agents' reports. In one case, known as the so-called Beales and Royella grant in New Mexico, about 1,079,000 acres of the public domain are alleged to be unlawfully occupied. The time for removal of fences has been extended by the President to July 1, 1902, with a strict injunction that the same must be so removed, and that no application for further extension will be entertained or considered, and the parties were accordingly notified that such direction will be rigidly enforced without further notice. In suits before the courts a number of judgments were reported.

One of the most notable is the case of Jesse D. Carr before the United States court for the district of Oregon for unlawful inclosure of 84,000 acres of the public domain in Oregon and California (mainly in Oregon), the fences being of stone, wood, and wire, which the court decreed should be removed, and which were recently removed under the direction of the United States marshal. Upon departmental reference for report and recommendation of a communication from the honorable Attorney-General in that case, I had the honor, on August 20, 1901, to report and to express an opinion in which it was stated that "the General Government surely has a control over its own land. The act of these parties is in defiance of that control, and these proceedings are merely a vindication of that right. To delay and continue from year to year the enforcement of the law will, in the course of time, make that law a dead letter. If the law means what its language imports, only the most conclusive showing of an existing right to make an inclosure can excuse the offenders. A mere hope that Congress will in the future amend the law, or the plea of probable loss in case existing law is enforced, is not sufficient to suspend immediate action. The defendants ask consideration of the fact that their damages will be large should these fences be removed. In the face of the unjustifiable and indefensible act of placing such fences where they are, such a plea is as illogical and unsatisfactory as it is preposterous. As the Supreme Court once said in a well-known case in reference to the duty of the General Government as to the public domain, 'it will be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market.' Therefore, as the circumstances in this case are particularly aggravated, I can see no reason whatever for interfering with the order of the court or delaying the removal of the Jesse D. Carr Land and Live Stock Company's fence, holding that all such cases should be vigorously pushed in the interest of justice and settlers who are honestly endeavoring to acquire homes on the public lands."

The act of Congress approved February 25, 1885, declares that "the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosures of any of said lands and to employ civil or military force as may be necessary for that purpose." Following this law, the President, on August 7, 1885, issued a proclamation ordering the removal of unlawful inclosures of public lands, and in that proclamation he declared that "the public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such domain shall in no wise be prevented by any wrongful interference with the safe and free entry thereof to which they may be entitled." I commend these words to the attention of Congress. If they were applicable at that time, they are doubly so now, when the public lands available for settlement are becoming so rapidly exhausted and when the demand for homes has so greatly increased. If the law against the fencing of vacant lands is unwise, it should be repealed; but so long as it remains a law it should be obeyed and strictly enforced. This leasing bill, however,

is even more objectionable than the present unlawful fencing. We hold in trust, not only for the present generation, but for those who shall come after us, the great domain. It is the heritage of the people. We are enjoined to so guard and administer it that it shall subserve the greatest possible good for the greatest possible number.

To the public lands of the nation are we indebted for much of the development, the wealth, the population, and the stability of our Republic, and any act that will prevent or discourage that numerous class of heroic people who are seeking, with so much self-sacrifice and privation, new homes in the far West, and who are building up and reclaiming the waste places and preparing the way for organized counties and States, can not be too severely discouraged and condemned. The pioneers are entitled to the utmost aid, protection, and sympathy of the Government. This has long been the policy of our nation, and to restrict or forbid this class, by leasehold or other means, the free approach to the vacant lands and the common use of the same so long as they remain vacant, is a violation of that policy. The highest court of the nation has announced the principle that "the law deals tenderly with one who, in good faith, goes upon the public lands with a view of making a home thereon." A case in point with the bill now under consideration was decided by the Supreme Court of the United States, in Buford *v.* Houtz (133 U. S., 326), wherein it was said "we are of opinion that there is an implied license growing out of the system of nearly a hundred years that the public lands of the United States, especially those in which the native grasses are adapted to the growth and fattening of domestic animals, shall be free to the people who seek to use them where they are left open and uninclosed and no act of Government forbids this use."

In a recent case, equally applicable, the United States court for the State of Oregon decided that "it [the forest reserve] is in furtherance of the policy of the Government by which the public domain is held for settlement that it shall be free to such use by the people as serves the convenience of settlers on uninclosed portions of it without public detriment." (See United States *v.* Tygh Valley Land and Live Stock Company, 76 Fed. Rep. 693.)

I am confident that this bill, if enacted into law, will work incalculable injury to a majority of the people of the Western States, will retard the development of the public domain, will impose additional privation upon the hardy pioneer, will compel the small stock owner and settler to pay tribute and rental to the syndicate owner or drive them from the open field, will encourage great landed monopolies upon the vacant domain which should be free to all, and will engender a feeling of hostility and inequality among those who should be friends and equals. With this conviction I earnestly recommend that this bill be returned to the honorable body whence it came with your recommendation that it be reported adversely.

The bill, with accompanying papers, is returned herewith.

Very respectfully,

BINGER HERMANN, *Commissioner.*

LOUISIANA PURCHASE EXPOSITION.

Mr. COCKRELL. I will thank the President pro tempore to lay before the Senate the communication from the Secretary of State with reference to the Louisiana Purchase Exposition.

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of State, a letter from Hon. Thomas H. Carter, president of the Louisiana Exposition Commission, and also a letter from Hon. David R. Francis, president of the St. Louis Exposition. Does the Senator desire to have them read?

Mr. COCKRELL. I ask that the letter of the Secretary of State may be read; that the other letters may be printed in the RECORD, and that they all may be printed as a document and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, May 2, 1902.

SIR: Referring to section 8 of the act of Congress approved March 3, 1901, entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," which provides that the exposition shall be open to visitors not later than the 1st day of May, 1903, and shall be closed not later than the 1st day of December thereafter, I have the honor to transmit herewith for the consideration of Congress a copy of a letter, of this day's date, which I have received from the Hon. Thomas H. Carter, president of the Louisiana Purchase Exposition Commission, inclosing a telegram addressed to him on the 1st instant by the Hon. David R. Francis, president of the Louisiana Purchase Exposition Company, showing the necessity for a postponement of the opening of the exposition for one year.

A letter similar to this has been addressed to the Speaker of the House of Representatives.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. WILLIAM P. FRYE,
President pro tempore of the Senate.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Missouri will be complied with. The other communications will be printed in the RECORD, and the whole will be printed as a document and referred to the Committee on Appropriations.

The communications referred to are as follows:

LOUISIANA PURCHASE EXPOSITION COMMISSION,
ST. LOUIS, UNITED STATES OF AMERICA.
Washington, D. C., May 2, 1902.

SIR: I have the honor to transmit for your consideration the inclosed communication from Hon. David R. Francis, president of the Louisiana Purchase Exposition Company. By section 8 of the act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," it is provided that the exposition shall be opened to visitors not later than the 1st of May, 1903, and shall be closed not later than the 1st day of December thereafter.

The communication of President Francis is in reply to a telegram which I addressed to him on the 1st instant, requesting an expression of the views and desires of the exposition company on the question of postponement of the exposition, in view of the almost universal belief that the exposition could not be properly installed within the next twelve months. Suggestions regarding a probable postponement of the exposition have been so current of late as to introduce a most unfortunate element of uncertainty as an obstacle to progress.

The answer of the exposition company sets forth existing conditions in terse but forceful form. The company has shown great zeal and industry in prosecuting the work of preparation. The site has been selected, the plan and scope devised and approved, rules and regulations have been promulgated, plans and specifications for the central exposition buildings have been prepared and contracts for their construction are well advanced. Many States have made liberal appropriations for buildings and exhibits, and a number of foreign governments are preparing to participate. On the other hand, the legislatures of many States will not convene until next January, and it is obvious that sufficient time will not then remain before May 1, 1903, to make reasonable use of appropriations for State buildings and the installation of exhibits. While foreign governments have considerately refrained from comment on the narrow time limit fixed by the law, there can be little doubt that an additional year for preparation will serve their convenience. According to ascertained facts and reasonable probabilities $20,000,000 will be expended within the exposition grounds for construction by the United States Government, foreign governments, the exposition company, the States, the Territories, and the concessionaires. With the labor and manufacturing forces of the country now in demand to their full capacity, it is clear that the successful marshaling of the necessary labor and material for the completion of this great task within not to exceed ten months of fair weather is questionable, and if accomplished will surely involve wasteful expense and leave little time for the proper installation of exhibits.

In view of the conditions, on behalf of the Exposition Commission, I have the honor to respectfully recommend that the application of the exposition company for one year's extension of time be submitted to Congress for its consideration.

Very respectfully, your obedient servant,

THOMAS H. CARTER,
President Louisiana Purchase Exposition Commission.

The SECRETARY OF STATE.

[Telegram.]

ST. LOUIS, MO., *May 1, 1902.*

Hon. THOMAS H. CARTER,
President Louisiana Purchase Exposition Commission,
Arlington, Washington, D. C.:

In view of the conditions to which you call attention and in the light of all the facts within the knowledge of this company, it is now very clear that, whilst the buildings can be completed, the respective States and Territories and both foreign and domestic exhibitors can not within the present time limit construct the necessary buildings and install exhibits upon the scale commensurate with their desires and the magnitude of the exposition enterprise. The scope of the exposition is enlarging from day to day. We are in continuous receipt of expressions from remote countries manifesting desires to participate in the exposition if more time can be had for preparation. We feel that no effort should be spared to fully meet the expectation of this and other countries as to the character of this exposition, and that it should in every respect be worthy of the great event which it is held to commemorate. We can use one additional year of preparation to great advantage. It is therefore, in the judgment of the company, desirable that the time for opening the exposition be extended one year, if such course meets the approval of the Government, and I am authorized by the executive committee and the directors to request that you present these conclusions to the President and to the Secretary of State for transmission to Congress.

DAVID R. FRANCIS, *President.*

Mr. COCKRELL. I offer an amendment to the sundry civil bill, and ask that it may be printed and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Appropriations.

The amendment is as follows:

Amend at end of line 12, page 59, by inserting:

"*And provided further*, That sections 8 and 12 of an act entitled 'An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri, approved March 3, 1901,' be, and the same are hereby, amended so as to read as follows:

"'SEC. 8. That said Commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said Commission, not later than the 1st day of May, 1904, and shall be closed at such time as the National Commission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

"'SEC. 12. That the National Commission, hereby authorized, shall cease to exist on the 1st day of January, 1906.'

"*And provided further*, That immediately upon the passage of this act the Secretary of the Treasury shall cause to be coined at the mints of the United States 250,000 gold dollars of legal weight and fineness, to be known as the Louisiana Exposition gold dollar, struck in commemoration of said exposition. The exact words, devices, and designs upon said gold dollars shall be determined and prescribed by the Secretary of the Treasury with the approval of the Louisiana Purchase Exposition Company, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coin issued under and in accordance with the provisions of this act. And in payment of so much of the $5,000,000 appropriated by said act of March 3, 1901, to aid in carrying forward said Louisiana Purchase Exposition, the Secretary of the Treasury shall pay said 250,000 gold dollars so coined as aforesaid to the said Louisiana Purchase Exposition Company, subject to all the provisions of said act, except that payment of said gold dollars may be made at any time upon the request of said exposition company, and upon said company filing with the Secretary of the Treasury a bond in a sum sufficient to protect the Government and to satisfy him as to the future performance of all the conditions under which said $5,000,000 so appropriated is to be paid to the said exposition company."

REPORT OF A COMMITTEE.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $2,000 for necessary expenses of two delegates to represent the United States at the International Medical Conference to take place at Brussels,

Belgium, on September 15, 1902, intended to be proposed to the sundry civil appropriation bill, and moved that it lie on the table and be printed; which was agreed to.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5601) granting a pension to John M. Baxter;

A bill (S. 5602) granting an increase of pension to Isaac C. Stone;

A bill (S. 5603) granting a pension to William J. Alexander;

A bill (S. 5604) granting an increase of pension to George W. Long;

A bill (S. 5605) granting an increase of pension to Andrew Auch; and

A bill (S. 5606) granting an increase of pension to Alfred Johnson.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Militia ry Affairs:

A bill (S. 5607) for the relief of John W. Parson;

A bill (S. 5608) for the relief of William Allen; and

A bill (S. 5609) for the relief of William Mauchamar.

Mr. SPOONER introduced a bill (S. 5610) granting an increase of pension to Joseph Twycross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5611) granting an increase of pension to Glennie Ramsay Kidd; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5612) granting an increase of pension to Hiram T. Downing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5613) granting an honorable discharge to James Black (with accompanying papers);

A bill (S. 5614) to remove the charge of desertion from the military record of Peter Calligan;

A bill (S. 5615) granting an honorable discharge to John H. Clark, deceased (with an accompanying paper);

A bill (S. 5616) to remove the charge of desertion from the military record of A. C. Warren (with an accompanying paper); and

A bill (S. 5617) to remove the charge of desertion from the military record of William Dean (with accompanying papers).

Mr. FORAKER introduced a bill (S. 5618) granting an increase of pension to John Thompson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5619) granting an increase of pension to John W. Fellows; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 5620) for the erection of a public building at Grand Island, Nebr.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5621) for the erection of a public building at York, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5622) for the relief of the estate of John W. Adkisson;

A bill (S. 5623) for the relief of the estate of Wilson Cupples; and

A bill (S. 5624) for the relief of H. H. Belew.

Mr. BURROWS introduced a bill (S. 5625) granting a pension to Sarah M. Tracy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. FAIRBANKS submitted an amendment providing for the purchase of a site and the erection thereon of a hall of records in the city of Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to grant to the State of North Dakota 30,000 acres of the unappropriated public lands in that State, to aid in the maintenance of a school of forestry, which institution has been established by the legislature of that State and located at the village of Bottineau, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE, Mr. CLAY, Mr. CULBERSON, Mr. CULLOM, Mr. FAIRBANKS, and Mr. McLAURIN of Mississippi submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 13169) relating to third and fourth class mail matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 13650) to correct the military record of James M. Olmstead was read twice by its title, and referred to the Committee on Military Affairs.

MAJ. CORNELIUS GARDENER.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary proceeded to read the resolution submitted by Mr. PATTERSON on the 30th ultimo.

Mr. LODGE. I ask that the resolution may go over until to-morrow.

The PRESIDENT pro tempore. Retaining its place?

Mr. LODGE. Retaining its place.

The PRESIDENT pro tempore. It goes over, retaining its place.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from Connecticut [Mr. PLATT]. Is the Senate ready for the question?

Mr. CULLOM. I hope the amendment will not be disposed of until the Senator from Connecticut comes in.

The PRESIDENT pro tempore. There is an amendment on the table offered by the Senator from Colorado [Mr. TELLER].

Mr. TELLER. That is an independent amendment, and it may be voted on.

The PRESIDENT pro tempore. If there be no objection, the amendment offered by the Senator from Connecticut will be laid aside for the present, and the Chair will lay before the Senate the amendment offered by the Senator from Colorado. It will be read.

The SECRETARY. It is proposed to amend the amendment of Mr. PLATT of Connecticut by striking out all of line 25——

Mr. TELLER. That is not correct. I do not propose to amend the amendment of the Senator from Connecticut. I offer it as an independent amendment. It strikes out two words that his amendment proposes to strike out, but that does not make it any the less an independment amendment. I have not the bill before me.

The PRESIDENT pro tempore. As the Senator sent it to the desk it is to amend the amendment of the Senator from Connecticut by striking out all of line 25, page 6——

Mr. TELLER. No, Mr. President, I did not send it to the desk; I just made a verbal statement. The clerks misunderstood it; that is all. The Senator from Connecticut is here now, and we may as well vote on his amendment first.

The PRESIDENT pro tempore. The Senator from Colorado moves to strike out two words that the Senator from Connecticut moves to strike out.

Mr. PLATT of Connecticut. What is the present condition?

The PRESIDENT pro tempore. The Senator from Connecticut is now here.

Mr. TELLER. I will withdraw my amendment for the time being, since it has gotten into that shape, and let the vote be taken first on the amendment of the Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] desires to be heard on my amendment; but as he is absent, I will, until he comes in, make some observations about the arguments which have been used against it and in favor of the passage of the bill as originally reported.

First, it is said that every case ought to stand on its own merits and the Government ought to have no policy about the matter whatever, by which I suppose it is intended that where a bargain has been made with the Indians in which they have been paid less than the actual value of the lands to the settlers, we might

require the settlers to make payment for the lands, because in those cases they are going to derive an advantage, but that where we have not paid any more than the lands are worth we ought to give them away. Now, that seems to be a very peculiar argument.

I know other Senators have claimed that no matter what we pay for the lands, we ought to give them away; but the Senator from Minnesota [Mr. CLAPP], the Senator from South Dakota [Mr. MCCUMBER], and the Senator from Montana [Mr. CLARK] insist that every case ought to stand upon its own bottom and upon its own merits, and that except in cases where the settlers are going to derive some unusual advantage we ought not to charge them anything.

It seems to me that the Government must have a settled policy about this matter. It is perfectly apparent to Senators that if we make an exception in any case—that is, if we conclude that on the whole a very moderate price has been paid to the Indians and therefore we will give the lands away to the settlers—that will be the policy of the Government and of Congress. If we pass this bill giving these lands to settlers, there will be no more bills passed in which we charge the settlers for the lands upon which they settle. It does not require very acute perception to see that that will be the result. Neither does it require very acute perception to see that it is a most ingenious argument in favor of the passage of the bill.

We have agreed to pay the Indians $2.50 an acre for these lands. Now, if we allow the settlers to take the lands for nothing, because that is a fair price, and that is the argument which has been made here, we shall not only follow that precedent in all bills hereafter for the opening to settlement of Indian reservations, but in the cases where we have already required that the settlers shall make a payment which will reimburse the Government we shall release them from their obligation.

So the Senate might just as well understand that this is not a case which can be excepted out of a general policy. I think it safe to say that if this bill passes, giving to the settlers lands for which the Government pays $2.50 an acre, every other bill for the opening of Indian reservations will give away the lands to the settlers, and in all those instances in which, by bills already passed, they have been required to make payment they will be released from their obligations.

With regard to these particular lands, if the Senate will indulge me for a moment, the Senator from Nevada [Mr. STEWART] says he thinks we paid a large price for them, and therefore he does not think we ought to give them away to settlers, having paid a large or perhaps an extravagant price for them, but if we have only paid what they were worth, then he thinks we ought to give them away to the settlers. I confess I can not see the force of that argument. But with reference to these particular lands, we have not overpaid for them upon the basis of what they are worth to the settlers. I think we have overpaid for them upon any basis upon which the Indian title ought to be estimated and appraised.

Of course, I do not know the value of these lands from personal observation, and few Senators do. I know that they are greatly desired by settlers. I can only form an estimate as to whether the lands are worth what the Government has agreed to pay for them by the report the inspector who negotiated the agreement makes. He says he thinks it is a fair price, but he says also:

> That he was greatly handicapped in the beginning by the fact that most of the Indians who favored a cession at all held the lands at an enormous price—from $7 to $15 per acre; that only a very few expressed their willingness to accept as low as $5 per acre, and this in cash and all in one payment.

In trying to make these negotiations, I think the Indians estimated their lands by what they knew of the value of the surrounding lands. The inspector says:

> That upon his arrival all the white men connected with the agency, as well as those of the surrounding country with whom he talked, held the lands in question as worth $5 per acre.

Now, Mr. President, why should a white man connected with the agency and those in the surrounding country hold the lands as high as $5 an acre if they are not worth that to settlers. We must all bear in mind the distinction between what we are to pay the Indians for an occupancy title and what the settlers think they are worth if they can get them.

> It appeared that adjacent lands in Gregory County and in Hoyt County, Nebr., were selling at from $5 to $10 per acre; that a syndicate of cattlemen in Sioux City, Iowa, expressed its willingness to pay $5 per acre for the entire tract.

Does not that do away with the claim which is made here that these lands are not worth to the settlers what the Government has agreed to pay the Indians for them? I apprehend that the settlers who are going on these lands, if they are required to pay the Government $2.50 an acre, will think they are lucky in getting lands that are worth $5 an acre and perhaps more than that.

It is said that a portion of these lands are grazing lands and not particularly valuable for agricultural cultivation. I presume that that is partially true. I presume it is also true that the Indians may have selected for their allotments the best lands. But I believe it still remains true that there are many agricultural lands which will be located upon by settlers. They are not going on the grazing lands to take 160 acres of grazing land. What they are after is the agricultural lands in this reservation. I think it will turn out to be true that if the Government charges them $2.50 an acre, they, so far as they settle up this tract, will think they have got lands worth $5 an acre; and that is what is at the bottom of all this pressure upon Congress.

Mr. STEWART. Will the Senator from Connecticut allow me to call the conference report on the Indian appropriation bill?

Mr. PLATT of Connecticut. I will yield to the Senator.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I ask that the conference report on the Indian bill be now taken up. It was read last evening, and I had it laid over to be printed.

The PRESIDENT pro tempore laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes. Will the Senate agree to the report?

Mr. CLARK of Wyoming. Before agreeing to the report, I should like to call the attention of the chairman of the Committee on Indian Affairs to amendment 94, on page 70, which was inserted by the Senate and rejected by the conference committee. Will the chairman explain briefly the reason why the conferees on the part of the Senate receded from the Senate's action?

Mr. STEWART. It was stated by the conferees on the other side, and I believe it is true, that the general appropriation for that purpose covers it; that it can be done and will be done under the general appropriation.

Mr. CLARK of Wyoming. There is no appropriation at all connected with the amendment to which I am calling attention.

Mr. STEWART. What is the amendment? Let me see it.

Mr. CLARK of Wyoming. It is amendment 94, page 70. It provides that the Wyandotte Indians who are nonresidents and own land by allotment may be allowed to dispose of it the same as Indians of other tribes situated in the same way. It extends really the provision of law which now applies to the Pottawatomies and the Shawnees to the Wyandottes. That is exactly what it does, and all that it does. Some of the Wyandotte Indians have taken their allotments, and just as in the case of some of the Pottawatomies and Shawnees, they do not reside upon the reservation. The present law is that the two latter tribes may dispose of their lands, but that the Wyandottes can not. This amendment provides that the same privilege shall be extended to the Wyandottes that is given to the two other tribes.

Mr. STEWART. I understand the amendment now. The House conferees objected to it. They had some reasons which were satisfactory to them. They thought it should not be done at this session.

Mr. CLARK of Wyoming. What I want to get at is what reasons could have been satisfactory to them and satisfactory to the conferees on the part of the Senate to agree to strike out the amendment which was put on by the Senate. What I want to get at is the reason, if there was any.

Mr. STEWART. I do not know that there was any special reason given why the matter should be delayed.

Mr. CLARK of Wyoming. I do not understand on what ground you can make fish of one and fowl of the other.

Mr. STEWART. That is what we contended, but the House conferees insisted that the situation was different, and they did not want to do it now. They said probably they would agree to it at the next session.

Mr. CLARK of Wyoming. Would there be any alleviation of that difference by delay, and can the chairman tell me what the difference is? That is all I am asking for. Is there any probability that there will be any change between now and the next session?

Mr. STEWART. They said they were not ready to do it now and they wanted to look into it further. They did not quite understand it. I do not remember what it was, but there was some little difference, and they wanted to have time to look into it and thought it should go over to the next session.

Mr. CLARK of Wyoming. I am very glad the chairman gives me the very definite information he does concerning the action of the conferees.

Mr. STEWART. I have not very definite information, but the House conferees objected to it. It was a small matter, but they said it ought not to be done at this session.

Mr. CLARK of Wyoming. I am very glad to be informed that if the House conferees object in a conference to what the Senate has done the Senate should very gracefully submit to whatever suits the conferees on the part of the House.

Mr. STEWART. We receded from a great many items in disagreement, and so did they. One has to give and take on a conference committee. The Senator has tried it. It is a considerable labor, and one has to yield sometimes. They did not think this ought to be done at the present session. I contended for it, the same as the other Senate conferees. Then they stated some conditions that were different—I do not remember what they were—and they wanted to look into it. They would not agree to it, and so we had to yield.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

The report was agreed to.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation to carry the same into effect.

Mr. PLATT of Connecticut. I do not care to make further observations at this time. Other Senators wish to speak.

Mr. CLARK of Wyoming. Mr. President, I do not want to have this bill go to a vote without expressing in just a word or two my views in regard to the matters contained in the amendment offered by the Senator from Connecticut.

I am extremely sorry to differ from him in this matter, as I always am on any subject; but I believe that his amendment does not represent what has been the settled policy of this Government in dealing with the home seekers of the Government. My belief is that the policy of the Government for forty years has not been to sell its lands to anybody. My understanding of the land laws of the United States is that they have been conceived in that wisdom which gives every man who is willing to make a home upon the public domain and anchor himself to a permanent citizenship upon the public domain his home without money and without price. That is exactly what the bill proposes to do.

One of the reasons why I have given my allegiance to the Republican party, and I think one of the greatest acts ever placed upon the statute books by that or any other party, has been the homestead law, passed in 1862, under which the great Northwest has been settled up. I do not want to see any turning aside from that policy. I do not want to see any policy pursued that will result in eventually taking away the free homes upon the public domain and selling to whoever may have the money to purchase the remaining land.

It is urged that the public lands should be disposed of with reference to the man who will go and settle and make his home upon them and that they should not be used for the benefit of the speculator. That is exactly what the treaty as proposed and presented to us does. It is exactly what the amendment of the Senator from Connecticut will not do.

The amendment proposed by the Senator from Colorado [Mr. TELLER], providing for an actual residence of five years upon the land, meets with my approval. The speculator is not going to live five years upon 160 acres of wild land for the purpose of getting a title to it. The speculator may perhaps have money enough to pay the $2.50 an acre for it. I believe it is true that not one in a hundred of the men who are seeking homes upon the public domain, either in this Rosebud Agency land or elsewhere, has enough money to pay $2.50 an acre for the land. Time and time again have the homeseekers in the West and in the Northwest been compelled to mortgage everything they had to raise the $14 or $15 or $16 necessary to pay even the land-office fees for their homesteads.

Mr. PLATT of Connecticut. Can they mortgage it before they get a title to it?

Mr. CLARK of Wyoming. About all they have to mortgage is a canvas-covered wagon, a few chairs and bedding, and a milch cow, and $14 is about all they can get on it. Time and time again, to my knowledge, they have done that in order to pay the land-office fees. I say we ought not to put any impediment in the way of these settlers.

Now, there is another misapprehension, and that is that bills of this sort for free homes are passed for the benefit of the people who live in that country. That is not true. The men who live in that country in some way or other, by scrubbing and scraping and economy and luck, and in spite of hard luck, having been there for some time, have become fastened. These homes are for the men we want to come in there with their families to settle up and develop the country. We want the settlers from Connecticut; we want the men from Iowa; we want the men from South Carolina to come there and build homes under the homestead laws. We want the settlers. The cry in the West to-day is more men and fewer steers, notwithstanding the price of beef. It is more men that we want, and we want them to come from all over this nation to build homes with us.

The Government gets back its money tenfold. Every man who puts his foot to stay upon 160 acres of land pays back tenfold to the Government all that it has cost.

The argument is used that these lands will cost the Government $2.50 an acre in money. That is true. There is not an acre of land under cultivation in this nation to-day that did not cost this people. The land in Connecticut cost this nation something. The land in Illinois cost this nation something. The land to the west of the Missouri has cost this nation something. It has not always been in $2.50 pieces; it has not always been in dollar pieces; but it has been in something. It has been in blood. It has been in American privation. It has been in something, and the Government has got its return a hundred times over.

I am not at all alarmed at the idea that our public domain will soon be all occupied and we shall not have anything more with which to pay for our agricultural colleges. God speed the day, not God speed the day when we shall not have our agricultural colleges properly sustained, but God speed the day when every acre of land all through our West and Northwest shall be taken up and be the homes of honest, toiling settlers, not given up to the birds of the air and beasts of the field, but when every acre and every rood of ground shall maintain its family. That is what the people of the Northwest want. We do not believe that the Government should enter into the policy of selling lands to reimburse itself or for a profit. It is turning back the entire principle of our public-land system.

The land system of the United States is different from the land system of other nations. It is modeled on the idea that the lands are for the good of the people—that they are not to be made a source of revenue to the Government. When the time comes, if it ever shall come, and I hope it is in the near future, that we have no public lands to dispose of to the settlers or anybody else, then we will see coming from the very States that you are populating under a free-homes proposition a wealth that will take care of all our agricultural colleges. As was said by the Senator from Colorado [Mr. TELLER] yesterday, the States are ready to take it up whenever the General Government has to let go.

Now, Mr. President, much of the discussion of this bill has appeared to me to be irrelevant. I do not think the question of title cuts any figure at all. The only difference is between a perpetual occupancy and a title in fee. That is just the difference between the Pottawatomies and Wyandottes, as illustrated here upon the conference report a minute ago. The Pottawatomies have their title in fee simple, and they can sell it. The Wyandottes, exactly in the same position, have their title by occupancy, and they can not sell it. That is all. The Rosebud Indians have not their title in fee, and they can not sell it to whom they choose. Nobody can buy it except by treaty stipulations between the Government of the United States and those Indians. But once purchase it under the treaty stipulation, it is just as good as any fee-simple title that ever existed on the face of the earth, and the purchaser is just as much protected in his title. It carries everything that a fee-simple title possibly could carry.

Mr. President, I hope that the amendment of the Senator from Connecticut will not carry. He says this bill will be a reversal of our land laws. My judgment is that if his amendment carries it will be a reversal, because it cuts under the free homes. It makes the sale of lands for a profit a settled policy of this nation; and I hope the time is far, far distant before we settle upon that policy.

Mr. MCCUMBER. Mr. President, this amendment brings up the entire question that the Committee on Indian Affairs has been considering, the question of opening up Indian reservations and whether the Indians will sell their titles for reasonable compensation or not. That is directly in point in this question. It affects directly the great policy of change in the matter of Indian reservations which is coming before Congress and must be acted upon in a very short time.

Mr. President, the very first thing that we must consider in a matter of this kind is the question of title that we have to deal with, the Indian title, the character of that title, and the rights of the Government to-day, after having made the many treaties that we have made in the past, having now been brought face to face with the rights of the Indians and the rights of the United States in reference to their land. There has been a great deal of refined reasoning on the part of some of those Senators who claim that we have a right to go into these reservations and open them up and pay the Indians what we think the lands are reasonably worth. We are considering that character of title, and I am justified, therefore, in making a few remarks concerning Indian titles in general in order to place ourselves in a position to meet the pending question.

What is the Indian title in the first instance? What is the title of ancient occupancy? What is its force? What is its character? What rights have we in lands occupied exclusively by the Indians where they have not been yet ceded by any act of Indian tribes? That is certainly a very inchoate right. It is a title that has not

much value to it. I admit, as it has been stated here before, that we have a right, perhaps legally, though not morally, to compel the red men to pass beyond the limits of increasing civilization and cultivation of the soil; but when we have driven them to the last extremity, when we have made reservations for them, then we reach a different point in our argument.

Mr. President, in the matter of ancient occupancy the title is so light that we may have the right of possession and exclude the Indians from the possessory title of that land. When, however, we have made a binding obligation with those Indians, in consideration of which they have surrendered that occupancy, which the United States courts have decided time and time again has a sufficient value to make it a legal consideration for cession; when we have received that and in consideration have given them a possessory title of other tracts of country, then we have bound the Government; and when we are in such a position, why not deal with those Indians as we deal with any civilized race? We have got to respect our contracts. We have got to buy those lands back for such price as we can agree upon, and we have no legal authority to open up a single reservation until we have done so.

Now, Mr. President, we have given those people a possessory title. My friend from Nevada [Mr. STEWART] said that we still have some kind of a right there; that theirs being a possessory title there is some way in which we may exclude them and by which, under a law similar to an eminent-domain law, we can compel them, for their own benefit and for the benefit of the United States, to yield up their lands for a fair consideration. I do not think that the Senator from Nevada has considered that very well as a legal proposition. When we open up these lands for public settlement we open them up for private use and not for a public purpose, and as we open them up for a private use we can not enforce the law of eminent domain.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. With pleasure.

Mr. RAWLINS. As I understand the proposition of the Senator, it is that we have no constitutional power to appropriate the lands in Indian reservations in the exercise of the power of eminent domain, because it is not proposed to devote the lands to a public use. Is that right?

Mr. McCUMBER. That is my proposition, if we do not devote the land to a public use after having made a contract and agreement with the Indians, granting them the exclusive use and occupation of the premises.

Mr. RAWLINS. Mr. President, we have pending now in the Senate a bill known as a bill to provide a temporary government for the Philippine Islands, in which that very proposition is involved—namely, the condemnation of lands now held by a corporation, or a religious order, known as the friars, to become a part of the public domain and to be disposed of for private use. I suppose on that matter I shall have the support of the Senator from North Dakota and the Senator from Wisconsin that that is not proper legislation.

Mr. McCUMBER. Mr. President, I have listened with a great deal of pleasure to the expounded knowledge of the Senator from Utah relative to the Constitution of the United States being in effect in the Philippine Islands. There is a time and a place for that discussion. I suppose that the three days' discourse by the learned Senator from Utah has been sufficient to fix his own mind to a certainty as to the effect of our Constitution in the Philippine Islands, and hence I think it would be utterly useless for me to argue that question with him now upon the pending measure.

Mr. RAWLINS. Will the Senator permit me further?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield?

Mr. McCUMBER. Certainly; with pleasure.

Mr. RAWLINS. Mr. President, I did not desire to invite the Senator's attention to the Philippine question upon this measure, but only to the legal proposition involved. As I now understand the Senator's answer to the question I propounded, it is that we have the Constitution applicable to South Dakota and have no Constitution applicable to the Philippine Islands, and therefore in the Philippine Islands we can take property, in the exercise of the power of eminent domain, and devote it to private use, which we can not do in the United States.

Mr. McCUMBER. Mr. President, I have stated nothing of the kind. I have simply declined to argue that question, which has been discussed so fully for three years, and which requires an entirely separate discussion. We have a Constitution of the United States, and there is a State constitution in the State of South Dakota. We have not the United States Constitution effective in all of its parts in the Philippine Islands. When we received the Philippine Islands we received them in the condition in which they then existed, with the land subject to the laws that were in existence at the time we received them, and we have the power to make laws now relative to the disposition of those lands. Congress undoubtedly will act justly and fairly in that matter, and I am perfectly satisfied to leave that question with Congress in the final enactment of a bill that will be before us.

But, Mr. President, going back to the question involved in this measure, the right of South Dakota and the right of the United States to those Indian lands, the position that I wish to state and make clear is this, that to a certain extent, by acts of Congress enacted in the fifties and sixties, we have placed ourselves in a position so that the State is, to a certain extent, subject to the will of the Indians there in reference to whether or not they will sell their lands; that we are in their power to a certain extent, and to an extent that binds the Government. We can not go in and take those lands from them.

I believe, Mr. President, and I believe firmly, that the United States as a Government have no right to place a stumbling-block in the progress of any State in the Union, and if they have done so in the past through inadvertence, the first duty of the Government is to remove that stumbling-block from the progress of the State.

If we take one-third or one-fourth of the State of South Dakota and convert it into an Indian reservation and segregating the good lands there so that you can not get the requisite population in the State of South Dakota without making a contract which will be onerous to the Government, then I claim that it is the duty of the Government to relieve the State of that condition. If by our own act we have in the past placed that obstacle in the progress of the State, it is our duty, even though we are compelled to pay more than a fair and reasonable compensation, to remove it. Whether those lands are worth $2.50 an acre, or whether they are worth $10 an acre, they are a part of the public property of the State, and the State has a right to the use of those lands for the benefit of its inhabitants, and it has a right to ask Congress to make an agreement with those Indians, so that the lands may be utilized, and will themselves make a part of the wealth of the great State of South Dakota.

Have we done this, Mr. President, in this particular bill? It has been intimated that we have paid a high price for these lands. On the whole, I believe that we have purchased them for a reasonable price. Two dollars and a half an acre is not an unreasonable price for all of that land taken together, for we must remember that out of the 520,000 acres, about one-fifth of it, 105,000 acres, of the very best of this land, has been turned over to those Indians. That portion which the Indians have taken, that portion along the streams, that portion which has water facilities, that portion which is the richest for agricultural products, that which is the best for grazing, and which is probably worth two or three times as much as that which is 30 or 40 miles from the streams, the Government itself has taken and given it to those Indians.

If you will take that at five or six or seven dollars an acre and estimate the value of the balance of it, you will find on the whole that the other will only be worth about 60 or 70 cents an acre. So to charge the settlers, the new men who are to go into that country, for the land that the Government has bought from the Indians, after giving them the cream of all the lands in that reservation, is not honest, is not just. It is perfectly right in some instances, Mr. President, that the settlers should be required to pay a fair consideration for the land.

I will compare this with the condition in North Dakota of the Devils Lake Reservation. There we opened up a reservation; we paid $3.90 an acre for the land, and we are charging the settlers exactly the same price. I made no objection, nor did my colleague, to that bill upon the floor of the Senate. Why? Because we knew that for every quarter section of land there is there there will be 100 persons ready to take it. We know also that it is worth from six to eight or ten dollars an acre. So if the Government charges $3.90 an acre for it the settler can not complain if he gets land that is worth in the neighborhood of six or eight dollars an acre.

The conditions are not the same as those described by the Senator from Idaho. Fifty years ago settlement proceeded two, three, four, or even a thousand miles from where there were railroad facilities, but to-day our railroads go ahead of the settlements. We have no such conditions as existed fifty years ago. We have no such privations on the part of those forerunners of civilization in our own new country.

In our Devils Lake country the reservation is surrounded with nice towns, with good cultivated farms, with all of the luxuries near at hand, so that the man who goes there can get a home, and he will get a good one, by paying $3.90 an acre for the land.

That is not true down on this reservation in South Dakota. I believe that after you have taken out the 105,000 acres for the benefit of the Indians, which you have given to them, the balance of the land is not worth $2.50 an acre, although the reservation, taken as a whole, is probably worth more than that sum.

Mr. President, our desire is to open up these reservations. How are you going to open them up? How are you going to get the benefits that you are expecting to get in the civilizing of the Indians by placing white settlers among them, unless you place the land at such a price that settlers will take it up? Land that is not worth $2 or $1.25 an acre probably is not worth settling on. In order to get those settlers you have go to take the land which you have segregated, the poorest portion, which you have not presented to the Indians there and place it at such a price, at least, that white settlers can afford to go in and take it. If it is only pasture land, if it is only grazing land, every Senator knows that land is not worth $2.50 an acre for grazing purposes alone.

But that is not all, Mr. President, Senators seem to think we are throwing away all this money that we are paying to the Indians—$2.50 an acre or five or ten dollars an acre—when really it is going into the Indian fund for the support of the Indians. We are supporting them from day to day, and we are taxing ourselves to do so. Therefore what difference does it make whether we buy their land at $5 an acre, which, we will say, is worth $2.50 an acre, and give them the benefit of it by paying the same money out to them, or whether we take it out of the Treasury of the United States and pay it for the benefit of the Indians?

Mr. President, I say, to support my proposition, that we should open up this reservation, no matter what we may have to pay within the line of reason.

Mr. TILLMAN. Mr. President, the Senator is making some statements that do not seem to be in accordance with the provisions of the bill; at least I do not understand it so. The Senator speaks of this money that is to go into the Indian fund. If he will look at page 5, section 2, of the bill he will see this provision:

That in accordance with the provisions of articles 2 and 3 of said agreement the sums of $250,000, for the purchase of stock cattle, and $158,000, as the first of five annual installments to be paid said Indians in cash.

The money is to be paid to the Indians themselves, as I understand it, and you are not going to set it apart to be used for their benefit hereafter.

Mr. McCUMBER. Mr. President, I was speaking of the provision relating to the opening of Indian reservations in general in my last remark, and not specifically upon this bill. However, it makes but very little difference whether you say you place it into a fund and then pay it out, or whether you pay it out in the first instance to the Indians. In either event the Indian gets the benefit of these funds; and if we pay him in this way, there is so much less that comes out of the Treasury for his support; and we are bound to support the Indians.

Mr. TILLMAN. Another question, Mr. President, if the Senator will allow me.

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Do I understand that this block of 416,000 acres of land is scattered about; that the Indians are all mixed in, through, and around it, and that they have had the pick and choice of this whole Indian reservation, and the remainder of the land is only what they do not want?

Mr. McCUMBER. That is correct. The map, which was exhibited by the Senator from South Dakota [Mr. GAMBLE], showed the location of the Indian allotments. They followed along the streams and the branches of those streams, of course naturally taking the best land there was in the entire reservation.

Mr. TILLMAN. Then, Mr. President, I notice here on page 6, beginning in line 17, this provision:

That the price of said lands shall be $2.50 per acre; but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions.

This provides for two methods of disposing of these lands, as I understand it, one by homestead and the other by sale, and whatever you sell is to be sold at $2.50 an acre. Is that it?

Mr. McCUMBER. That is not it. The Senator must remember that we are now discussing the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. TILLMAN. No; I am discussing the bill. I want to know just how you propose to dispose of these lands. It is proposed that they shall be subject to homestead entry only. That is the amendment, I think, of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. No.

Mr. TILLMAN. The Senator said something about striking out the right to commute. If he does not propose that the homesteaders shall get the land, then he proposes that it shall be obtained by purchase at $2.50 an acre and sold to any cattle company that chooses to come in and pay that sum, or else I do not understand what the Senator means.

Mr. TELLER. Will the Senator from North Dakota allow me a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. With pleasure.

Mr. TELLER. Here is a provision on page 6 of the bill, beginning in line 16:

And provided further, That the price of said lands shall be $2.50 per acre—

Then there is the free-homestead provision, from line 18 down to line 25, inclusive, as follows:

but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

Then follows a provision for commuting. The Senator from Connecticut proposes to strike out all about free homesteads. My amendment is to strike out all about commuting. If we defeat the amendment of the Senator from Connecticut it will be necessary, to make the language of the bill harmonious with the idea of free ownership, to strike out the words:

That the price of said lands shall be $2.50 per acre.

Mr. McCUMBER. I understand that means when it is commuted.

Mr. TELLER. Yes; that is what it means; but if we do not allow them to commute at all, then that language must go out.

Mr. McCUMBER. Then the settlers will get the land free.

Mr. TELLER. Then the settlers will have free homesteads, and there will be no opportunity at all for speculators to get in.

Mr. McCUMBER. I do not understand that any of this land is going to be put on the market at $2.50 an acre.

Mr. TELLER. No; but the $2.50 an acre refers to the commutation.

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. Referring to the top of page 6, I find a provision that the lands—

shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon.

If it is found that the restrictions on the conditions of settlement will require the usual plan, whatever it is, to get a title, keep the people from going there, and the President then says, "Well, as I can not sell the land to homesteaders I will sell it to the cattle companies or to whoever else wants to use it for grazing purposes," what is going to prevent that being done? This law will not.

Mr. McCUMBER. Is the Senator through?

Mr. TILLMAN. I am considerably muddled, Mr. President, and I will wait until the Senator gets through to see if he throws any additional light upon these dark questions, and I may say something when he finishes.

Mr. McCUMBER. I presume that the land will be opened up by proclamation, the same as any other public domain is opened up for general settlement, and that it may be settled upon under the homestead laws. If a person desires to commute, as the bill now stands he must pay $2.50 an acre. If he lives upon the land for five years, he may receive it from the Government absolutely free. The amendment of the Senator from Connecticut is to compel, as I understand, the payment of $2.50 an acre in every instance.

Mr. President, I think what the Senator from South Carolina is driving at is as to the method of determining who may settle upon these lands or who may hold them. I simply judge that from the criticism he made yesterday, I believe, concerning the method in which settlers were allowed to take up lands in Oklahoma and in other places. His criticism, as I remember it, was against drawing lots. I know the Senator from South Carolina is one who jealously and zealously guards the interests of the poor man, and I want to place before him a condition such as we shall have in the Devils Lake Agency at the time it is opened for public settlement. I say there will be a hundred men for every quarter section. What is the present method? The present method is that a man has to be on the border of the reservation, and the moment he gets word that it is open he has his horses hitched to his wagon, he has a load of lumber on that wagon, and he starts on a five, twenty, or a hundred mile race to get to the particular quarter section, and to get there before anyone else does. The man who has the best horses and the most of them, who can put more of them onto a single wagon, is certain to get into the reservation in the quickest time, and to get onto that quarter section sooner than the other individual possibly can.

With all these hundreds of individuals, how are you going to determine which one shall have the preference right? I believe that the system of drawing of lots that was adopted in the settlement of some of the country a short while ago proved the most satisfactory of anything we have ever attemped; and if the Senator from South Carolina can suggest a better one, one that will be more economical, one that will be better and more just to the

citizen who is so poor that he can not go into that race with a blooded horse and get onto a quarter section of land, I know the Interior Department will be very glad to hear from the Senator in reference to the matter, because it is a question that must be solved.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With great pleasure.

Mr. TILLMAN. The point that presses on me with most force is how to get around the man who is speculating in these lands, and who is trying to get a quarter section by gift.

Mr. McCUMBER. He can not get a quarter section by gift unless he lives on it for five years; and he would not be much of a speculator then.

Mr. TILLMAN. Let me ask the Senator, Is the requirement that a man must live on the land in person strictly enforced? If he goes there, sets up occupancy, digs a well, runs a fence, and once in a while goes to see it, is not that about the way it runs?

Mr. McCUMBER. If the Senator ever got into a contest for public land between two persons claiming it, and went through these departments he would find that the law of residence was very strictly enforced, that actual occupation was required, and that nothing else will take its place.

Mr. TILLMAN. Is that the rule?

Mr. McCUMBER. That is the rule.

Mr. TILLMAN. Is it not a rule that is often relaxed?

Mr. McCUMBER. I have never known of its being relaxed in case of a contest.

Mr. SPOONER. How is it if a man is unable to occupy his homestead by reason of sickness?

Mr. McCUMBER. If, in case of sickness, a person has to go away, that does not relax the law at all.

Mr. TILLMAN. So that under the homestead law actual occupancy and use of the land is necessary before a patent can be obtained?

Mr. McCUMBER. Certainly; and the settler has not only got to show that he has actually occupied the land, if a married man, with his family for five continuous years, but he has also to show the character of his improvements and the amount and value of them, so that the Department may see that he has acted in absolute good faith and that he was not acting for the purposes of speculation; and he must show that not only by his own testimony, but by the testimony of two other witnesses.

Mr. TILLMAN. Now, as I understand, the struggle of the hundred for one quarter section, who, the Senator says, will be on the border when the Devils Lake Reservation is opened, will resolve itself into the swiftness with which any given man can get to a given quarter section, set up his pegs, and do something which will give him a right to claim the land.

Mr. McCUMBER. Yes; unless some arrangement is made by the Interior Department similar to the arrangement that was made in opening up some of the reservations in Oklahoma Territory.

Mr. TILLMAN. And in that case we have another lottery. It is the lottery I am opposed to. How are you going to find out whether a claimant of any given quarter section is a bona fide settler or not; whether he is merely a speculator, and is only doing enough to get title to the land, and then sell it at a profit?

Mr. McCUMBER. The Senator evidently does not thoroughly understand the method of settling upon Government land.

Mr. TILLMAN. I do not, and I am trying to get some light.

Mr. McCUMBER. As I have before stated, the determination of whether the settler is acting in good faith or for speculative purposes is that he must hold the land for the period of five years unless he commutes, and even in the case of commutation he must show to the absolute satisfaction of the Department by his own oath and that of witnesses and by corroborating circumstances that he did not take up this land for speculative purposes; that he had taken it up for a home and for nothing else, and that he had not attempted to sell and does not intend to sell it. I think that ought to make that part clear to the Senator.

Mr. TILLMAN. In this instance in Oklahoma with which I happened to come in contact last year by accident I discovered that there were men on the border there at the agency where the drawing was held, and that one out of six or seven got a prize, and the others did not. I knew of cases in which men were there with their applications for one of the homesteads who had no business applying for a homestead, because they never intended to go there and live; and now many of those men who drew the lots by lottery are not on the lands, but have commuted and sold out at a profit.

Mr. McCUMBER. That may be possible. I know nothing about it.

Before closing, I wish to say one word in reference to the position taken by the Senator from Connecticut [Mr. PLATT]. I agree with him entirely in the proposition that it is unjust to the Government to get any bill through here under a false pretense. We have opened up a number of reservations. The measures got the requisite number of votes upon the assumption and the pledge that the money which the Government had to spend in purchasing the right of the Indians to the reservation should be paid back to the Government as soon as the lands were sold. Then immediately after that became a law and the lands were settled upon, then we would have petitions to make them free homes. I myself will not vote for any more legislation of that kind. It seems to me when we have purchased the reservations with that understanding, with that character of agreement, we should carry it out; but I will not sustain a proposition that we shall keep lands from being settled upon by the public simply because we have been compelled to pay for some of them a higher price than they are actually worth.

Mr. COCKRELL. Mr. President, from the remarks which have been made in regard to this bill one would suppose that there were a large number of men with their wives and children settled upon this Indian reservation waiting to make it their home, and that those of us who are opposing the measure are attempting to take from them—citizens of South Dakota—their right to free homes. This is an entire misconception. There is not one solitary homesteader upon the Rosebed Reservation. If he is there, he is there in violation of law, without a right on earth. It is to-day an Indian reservation, and the title is in the Indians. It is not the public domain of the United States. It never has been the public domain of the United States, because the Indians have the proprietary and possessory right to hold it indefinitely—forever. It is just as good as a fee-simple title.

The Senator spoke of Congress putting obstructions in the way of the advancement and development of South Dakota. These Indian reservations existed before Dakota existed. Those who inhabit South Dakota went there knowing of these reservations.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. COCKRELL. With pleasure.

Mr. McCUMBER. I merely want to correct the Senator in one respect. Many Indians from Minnesota and other places were taken into South Dakota and placed in a reservation there. So the reservation did not exist even for the Dakota Indians until we took the Sioux and the Chippewas of Minnesota and placed them in North and South Dakota.

Mr. COCKRELL. When was that done? It was done before it became a State in the Union.

Mr. McCUMBER. In 1851, 1852, and 1863.

Mr. COCKRELL. It was before it was a State. All these reservations were in possession of the Indians before the States existed as States in this Union. Congress is throwing no obstructions in their way, but we are trying to do justice to the citizens of the United States as well as to those who may want to make their homes there.

There are two sides to this question, and there are two parties interested in it. One is composed of the taxpayers of the United States, who have to bear the burden, and the other the favored few who by chance and by lot may secure a right to locate upon these lands.

There are no homesteaders there now. There is no man with his wife and babies and the old prairie schooner which has been referred to traveling there to make a home. There is not a particle of that. There is no right to homestead there. It is not public domain. The only question is, How shall Congress extinguish the Indian title to the lands and make the lands not public domain, but private-purchase property, to be disposed of by the United States as it thinks right and just and honorable?

There is no public domain about it. The question is, How shall we acquire title to the lands? The Indians have title to them. Shall we ratify this treaty? Shall we buy these lands, and then what shall we do with them? The treaty says we shall pay the Indians. What is that? Buying private lands, paying the owner; and then what are we asked to do with them? To donate them to some persons, we know not who, living we know not where, who may by virtue of a lottery get a right to go on the land.

Mr. WARREN. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. WARREN. As a matter of fact, has not all our public domain been purchased in one way or another, and has it not cost the Government something?

Mr. COCKRELL. Not in this way.

Mr. WARREN. It cost a small sum per acre, but it cost the Government money.

Mr. COCKRELL. None of it was acquired in this way—not one foot of it. It was acquired for political and territorial reasons, in large quantities, unsettled and uninhabited, a wilderness,

subject to the possessory and proprietary right of the Indians who were scattered here and there over it.

Mr. WARREN. Nevertheless, I will ask the Senator if it does not stand of record that while it may have cost but 10 or 15 or 20 cents an acre, all the public land open to homestead to-day is that which has in some way been purchased and for which something has been paid by the United States Government? It is simply a matter of difference in price as I look at it.

Mr. COCKRELL. I do not look at it in that light. It was not purchased as a part of the public domain. We did not pay the inhabitants of the Louisiana purchase a nickel of money for anything they had in it. It was a political transaction between the United States and France. We bought the land there. The people who were on the land and who had title to the land continued to have title to it. The balance was public domain.

Now, here are individuals, a band of individuals, with a clear title to the land, and this bill proposes to buy that land from them and pay the money to them. If we have the right to do that, and then to turn around and donate the land to those who may by lottery get a right to settle upon it, we have the same right to go into the State of Arkansas, the State of Missouri, or any other State of this Union and buy land from individuals, citizens, and open it up for free homes. No man can gainsay the proposition. One is just as fair and honest as the other. They are upon an equal footing. That is what this bill proposes to do; nothing more, nothing less, nothing else.

I say it is not just; it is not right; it is burdening the taxpayers of this country with that which should not be imposed upon them. It is not for the poor man, not for the man struggling with his wife and babies for a home, but for the man worth millions, perchance, who may have a technical right to make a homestead and may be fortunate enough to draw a prize in the lottery. That is the kind of people we are appealed to to benefit and bless—men who have homes, and yet have never exhausted their homestead rights. Any of them can go there, I care not who it is, from any part of the United States, and, possessing the homestead right, get a free home, no matter what his property is.

Mr. CLARK of Wyoming. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. CLARK of Wyoming. I know the Senator intends to be exactly correct and accurate, but is it not a fact that nobody can enter upon those lands under the proposed amendment who has a homestead elsewhere; that he must comply with the five years' residence upon the land; that he must absolutely comply with the homestead law, and if he has a large amount of land elsewhere, the homestead law absolutely prohibits him from taking advantage of this law?

Mr. COCKRELL. Any man who has the right to a homestead would have the right to go into this drawing.

Mr. CLARK of Wyoming. But if he goes into the drawing he goes into it subject——

Mr. COCKRELL. As a matter of course.

Mr. CLARK of Wyoming. Just one moment. But if he goes into the drawing he goes into it subject to the regulations and the law of homesteads, and is it not a little far-fetched to assume that a millionaire will spend five years upon the Dakota prairies in order to get a hundred and sixty acres of land worth $2.50 an acre?

Mr. COCKRELL. Anyone having his homestead right unexhausted has a right to take his chance in getting a claim. The terms upon which he will get it after he has acquired that right is a different matter. He must comply with the law before he can get a patent. There is no question about that. But I say this measure is not for the benefit of persons who have a right now. It is not for the benefit of citizens of South Dakota that this bill is pending. Not at all.

We recently opened the Kiowa, Comanche, and Wichita land in the Indian Territory. I wish Senators to pay attention to this: That land was divided into 13,000 tracts of a hundred and sixty acres each. There was a registration called for of those who were eligible to make a selection and 165,416 people registered, claiming the 13,000 acres, over a hundred applicants for every tract of land. Now, does anybody suppose those were poor, struggling young men with their wives and babies who were there ready to make homes upon that land? How did they settle the contest? A hundred and sixty-five thousand applicants and 13,000 prizes. There was but one way—a lottery, pure and simple. Tickets were drawn and the wheel of fortune started on its round and the lucky ones, 13,000, had the right to go upon the land.

The Senators from South Dakota and from other States are here pleading and urging the passage of this bill. Probably a hundred thousand people will go there and apply for this land, and in the lottery the land will be divided into how many tracts——

Mr. TILLMAN. About twenty-four hundred.

Mr. COCKRELL. About twenty-four.

Mr. TILLMAN. Prizes.

Mr. COCKRELL. About twenty-four hundred prizes will be drawn, and these twenty-four hundred—Infinite Wisdom alone knows who they will be—are the objects of charity and sympathy, in whose behalf appeals are made to the Senate for the passage of this bill.

Senators, it is not right to pass it, because the bill is not right. I am as sympathetic as any man in the world, and no man has a warmer sympathy for the young man who is struggling in life to get a home for his wife and children, but I am not willing to tax the millions of young men with wives and children starting in life for the purpose of giving free homes to a few people—twenty-four hundred—who may be fortunate in the lottery. That is all there is in this bill. Shall we tax the struggling man to give twenty-four hundred men the chance of drawing a prize in a lottery? I can not see that it is just or right.

Now, it is claimed that we are reversing the policy of this Government; that it has always been the policy of this Government to give free homes. When did that policy originate? When was it the policy? Was it the policy when the pioneers from the Eastern States crossed the Alleghanies and went into the bloody land of Kentucky, or into Ohio, or Indiana, or Illinois? Not a bit of it. At first the Government charged $2.50 an acre for the public land, and the people who went on them were pioneers. They went there with their trusty rifles and ammunition. They went there to hew a home out in the wilderness and to drive back the Indians. They took all the chances, and yet they had to pay $2.50 an acre for their land.

Finally the price was reduced to a dollar and 25 cents an acre. Practically all the lands in Indiana and Illinois were disposed of at a dollar and a quarter an acre. The settlers paid the money into the Treasury. The people of the United States have received the benefit of it. In Missouri it was largely the same way. In Iowa it was largely the same way. Nine-tenths of the people there had to pay for their homes at a dollar and 25 cents an acre, until the graduated law of 1853–54, which reduced the price according to the number of years the land had been subject to entry, reducing it down as low as 25 cents an acre or less.

Mr. President, when did free homes arise? In 1862, for the first time in the history of this Government, the homestead law was enacted. It had been pending in Congress since the days of Mr. Benton, who had advocated it early in his career, and yet it was never enacted into law until 1862. There were reasons for it then. There were political reasons for it then. There were just reasons for it then. Our country was then engaged in the most fearful civil strife which ever paralyzed the energies of any great nation.

Mr. TELLER. Will the Senator from Missouri allow me to make a suggestion to him? Before the war, when I suppose nobody expected a war, Congress passed a free-homestead act, and it was vetoed by the President.

Mr. COCKRELL. It was not a law.

Mr. TELLER. No; it was not a law, but it was the Congressional mind and intention to have free homes.

Mr. COCKRELL. Now, in that struggle we had enlisted in the Union Army thousands upon thousands of men, many of whom had come from foreign lands and had no homes here. They had rendered their adopted country a great service. We passed this bill giving the right to the soldier to go and homestead the land and count his service as a part of the five years. It was a generous act, a just act, a liberal act upon the part of the Government. It induced many thousands of foreigners to become citizens and to go upon the lands and make their homes; and they have been doing it since.

Then we had millions of acres of tillable land, arable land, with all the climatic conditions necessary for supporting a population and developing the agricultural resources of the country. We had them in abundance; we had public lands in Missouri; we had public lands in Iowa. Lands were not scarce; they were abundant, and in justice, and in right, and in munificence this Government passed the homestead law. It was right then.

If we had the same condition, it would be right to-day. Nobody ever dreamed that that munificent law would be perverted to the idea that this Government has a right to go and buy private land at $2.50 or $5 an acre and then turn around and call it public domain. No, Mr. President, there was never any such contemplation.

This is not public domain in the strict or correct sense of the word. We would have the same right to go into Iowa, or into Minnesota, or into any other State of this Union and buy private lands, and call them public lands, and make them a part of the public domain, and give them away as homes to people as we have to go and buy land from the Indians and do it. There is no justice in this.

But from the arguments it would seem that the Government had already established a policy of making free homes out of

Indian reservations. Let us see when the free-homes law was passed. The free-homes law in regard to Indian land was passed May 17, 1900. Was it a general law? Was it a law for the future or was it a law for special cases which then existed? Senators who were then here will remember that upon the opening of the lands in Oklahoma and that part of the country thousands of people flocked there. There was a drought one or two seasons in succession. The people failed to raise crops. They had promised to pay for the land. Congress was called upon to extend the time of payment. It was extended.

Still appeals were being made; sympathy was aroused; another extension of time was given by Congress for the payment of the purchase money for the land. The sympathy of the people was appealed to. The forlorn condition of the settlers was painted in grewsome colors, and we were asked to let them have their homes. They were there; they were in debt; they could not pay the price the Government was exacting, and out of sympathy and because of these appeals a law was passed, not for the future, but for these cases of supposed suffering. I will read it.

That all settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this act—

"Which have already been opened to settlement, acquired prior to the passage of this act"—

by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. COCKRELL. Certainly.

Mr. TILLMAN. I will remind the Senator also that in the appeals made to us here it was stated that unless we did grant that relief by giving these homes, the capitalists who had loaned money to help build houses and improve the holdings would absorb and gobble up the whole business, and it was to prevent the absorption by capitalists of those homesteads that we put that bill through here.

Mr. COCKRELL. I thank the Senator from South Carolina for his suggestion. Everyone remembers that we were told they were going to be sold out under deeds of trust, and the only salvation was a donation of the land and free homes. That bill was passed through sympathy. If this bill is passed it will be by sympathy. It will not be passed upon the broad basis of equal and exact justice to all and special favors to none. It will be a law of favoritism, pure and simple, a law of gratuity to twenty-four hundred people who may in a lottery be the successful drawers of prizes for this land.

Therefore, Mr. President, under no circumstances can I vote for the provision that is now in the bill.

Mr. CLARK of Wyoming. Mr. President, we might relieve the situation in the question of the taxation of the old States for the benefit of the new if the older States would return a small part of the $28,000,000 which the Government received from the public lands a great many years ago and loaned to the States subject to call, which has never been returned, nor will it ever be returned.

Mr. TILLMAN. Mr. President, I hope the Senator who has just spoken does not lay claim to any money the United States has received for its own property before any State which was created later had any existence.

Mr. CLARK of Wyoming. No; this is what I mean to say: Complaint is made that taxation is to be imposed upon the people of the whole United States to pay for this land in buying it from the Indians when the only beneficiaries will be the 1,300 or 1,400 people. I say we can relieve that situation and prevent the tax from being levied if the older States, who have received from the Government loans on the money heretofore received from the sale of the public lands of the Government to the amount of $28,000,000, will turn back into the Treasury about $1,000,000 of that sum and thereby save those taxes.

Mr. TILLMAN. If that is the programme, I suppose some one will introduce a bill to require those loans to be returned.

Mr. CLARK of Wyoming. No; that is not the question. The question is simply this: It comes with bad taste from those States which claim that the buying of this land for $1,000,000 of public money works a hardship when they have already in their coffers $28,000,000 of the Government's money which was loaned to those States and never has been returned.

Mr. TILLMAN. But I do not think——

Mr. CLARK of Wyoming. Nobody is questioning the right of the States to keep it, and nobody will. It is simply an illustration.

Mr. TILLMAN. The illustration does not seem to illustrate, for the simple reason that those older States at that time were the United States. They divided among themselves their own property, and the Government reserved the right to call for the loan in an emergency, when the States would respond.

Mr. CLARK of Wyoming. I do not think the Senator fully understands the loan of which I was speaking.

Mr. TILLMAN. I will be very glad if the Senator will enlighten the ignorance of the Senator from South Carolina.

Mr. CLARK of Wyoming. The Senator from Wyoming does not assume any ignorance on the part of the Senator from South Carolina.

Mr. TILLMAN. He only asserts it.

Mr. CLARK of Wyoming. I am speaking of only this one particular thing.

Mr. PLATT of Connecticut. Mr. President, I regret that the Senator from Wyoming has introduced the subject to which he has just alluded. There is no sectionalism about this measure. There is no question in it as between the older States and the newer States. I think the new States have been pretty well dealt with by the older States. We had in every new State great numbers of acres of public land, and when they were made States we have given it to them as a free gift. If you come and consider the question as to whether the new States or the old States have derived the most advantage from the public lands, the benefit is all, I think, in favor of the new States. In this very bill it is proposed to give the State of South Dakota two sections of land in each township, when by the act which admitted South Dakota into the Union it was provided that the grant of land of two sections in a township should not apply to the Indian reservations in that State. We are not dealing unjustly by the new States. We are giving them over and over more than the old States ever derived from the distribution of the proceeds of the sale of the public land.

Mr. GAMBLE. I will ask the Senator if it is not true that the act for the admission of the State of South Dakota also provided that when Indian-reservation lands were restored to the public domain there should be carried to the State sections 16 and 36 for school purposes? Was not that in the same law?

Mr. PLATT of Connecticut. I read the provision here the other morning. I simply rose to say that I regretted the Senator from Wyoming should attempt to inject into this debate any question between the older States and the newer States.

Mr. CLARK of Wyoming. Will the Senator permit me?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. I do not want to stand in a false light on account of the remark of the Senator from Connecticut. I simply replied to the observation of the Senator from Missouri that it was unjust to tax the older States for lands purchased in the newer States.

Mr. PLATT of Connecticut. Mr. President, speaking for myself, I well remember the time when as chairman of the Committee on Territories I helped to get six of the Western Territories into the Union, very much against the views of some people whom I represented; but I thought it was just. In each one of those acts thousands and hundreds of thousands of acres of the public land were given. I think 500,000 acres of the public land were given as a free gift to each of those States.

Mr. DIETRICH. Mr. President, I should like to call the attention of the Senate to one proposition. When this land is opened for settlement, one-fourth of the land will be owned by Indians. They will own the best portion of that tract of land. Those Indians will not be obliged to pay any taxes, all the taxes falling upon the whites who will own the land. The expense of all the improvements, public highways, public schools, and public buildings must be borne by the whites. Therefore I believe that we ought to act generously with those settlers who are willing to go among those Indians, and who are to pay the taxes and make the improvements which will be placed there for the benefit of those Indians.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment may be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In section 3, page 6, line 18, after the word "acre," strike out the remainder of line 18, all of lines 19, 20, 21, 22, 23, 24, and 25, down to and including the word "that," and insert the word "and;" so that if amended the proviso will read:

And provided further, That the price of said lands shall be $2.50 per acre, and homestead settlers, who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

Mr. BACON. Will the Secretary please read the language proposed to be stricken out by the amendment?

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out the following words:

but settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry, except that—

And to insert "and."

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The Secretary proceeded to call the roll.

Mr. GIBSON (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. I am informed that if he were present he would favor the bill and would oppose this amendment. I will therefore vote on this question. I vote "nay."

Mr. HANSBROUGH (when his name was called). I transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present I should vote "yea."

Mr. MCLAURIN of Mississippi (when Mr. MONEY'S name was called). My colleague [Mr. MONEY] is unavoidably absent on account of sickness. He is paired with the junior Senator from Iowa [Mr. DOLLIVER]. My colleague has a general pair with the junior Senator from Iowa.

Mr. CLAPP (when Mr. NELSON'S name was called). My colleague [Mr. NELSON] is confined to his room by illness.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]; therefore I will withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). My colleague [Mr. TALIAFERRO] is unavoidably absent. He had a general pair with the junior Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. PERKINS. I desire to state that my colleague [Mr. BARD] is unavoidably absent from the Senate, on account of sickness.

Mr. BATE. I will state that my colleague [Mr. CARMACK] is absent, and is paired with the Senator from Wisconsin [Mr. SPOONER].

The result was announced—yeas 19, nays 38; as follows:

YEAS—19.

Allison,	Daniel,	Lodge,	Platt, Conn.
Berry,	Dillingham,	McComas,	Platt, N. Y.
Clay,	Foster, La.	McLaurin, Miss.	Tillman,
Cockrell,	Hawley,	Martin,	Wetmore.
Cullom,	Kean,	Morgan,	

NAYS—38.

Bacon,	Dietrich,	Heitfeld,	Rawlins,
Bate,	Dubois,	Jones, Ark.	Simmons,
Beveridge,	Fairbanks,	Kittredge,	Simon.
Blackburn,	Foraker,	McCumber,	Stewart,
Burnham,	Foster, Wash.	McMillan,	Teller,
Burrows,	Gamble,	Millard,	Turner,
Burton,	Gibson,	Mitchell,	Warren,
Clapp,	Hanna,	Patterson,	Wellington.
Clark, Wyo.	Hansbrough,	Perkins,	
Deboe,	Harris,	Pritchard,	

NOT VOTING—31.

Aldrich,	Dryden,	McEnery,	Proctor,
Bailey,	Elkins,	McLaurin, S. C.	Quarles,
Bard,	Frye,	Mallory,	Quay,
Carmack,	Gallinger,	Mason,	Scott,
Clark, Mont.	Hale,	Money,	Spooner,
Culberson,	Hoar,	Nelson,	Taliaferro,
Depew,	Jones, Nev.	Penrose,	Vest.
Dolliver,	Kearns,	Pettus,	

So the amendment of Mr. PLATT of Connecticut was rejected.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. GAMBLE. I ask that the bill in regard to the ratification of the agreement with the Indians of the Rosebud Reservation be taken up to-morrow morning at the close of the routine morning business, in the hope that it will then be finally disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota. The Chair hears none, and it is so ordered.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

[Mr. PRITCHARD addressed the Senate. See Appendix.]

[Mr. SIMMONS addressed the Senate. See Appendix.]

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PLATT of Connecticut. What is the pending amendment, Mr. President?

The PRESIDENT pro tempore. There is not any amendment pending.

Mr. PLATT of Connecticut. Then let us vote on the bill.

The PRESIDENT pro tempore. On the bill itself? The bill is open to amendment as in Committee of the Whole.

Mr. COCKRELL. What bill is it that is open to amendment?

The PRESIDENT pro tempore. What is known as the "Philippine bill."

Mr. COCKRELL. We shall have to have the yeas and nays on it, I reckon.

Mr. PLATT of Connecticut. Why should we not vote upon it?

Mr. COCKRELL. It seems there is no pending amendment to the Philippine bill.

Mr. PLATT of Connecticut. Then let us have a vote on the bill.

Mr. COCKRELL. I thought the committee had some amendments.

Mr. LODGE. The committee amendments have all been adopted.

Mr. COCKRELL. I thought the minority of the committee had some amendments.

Mr. ALLISON. They have not been offered.

Mr. LODGE. No amendment has yet been moved to the bill by the minority.

Mr. TELLER. The senior member of the minority of the committee in special charge of the bill on this side is not here; but I do not suppose it is seriously expected to get a vote on this bill to-day.

Mr. PLATT of Connecticut. I had supposed the debate had been exhausted on the bill, as it seems to have been running for the last few days on everything but the bill; and so I supposed that we might vote on it.

Mr. TELLER. I do not suppose anybody really expects to vote on this bill to-day. Certainly we shall not get a vote on it to-day.

Mr. ALLISON. Then we might perhaps fix a time for a vote on it, if the Senate is not ready to vote on it to-day.

Mr. TELLER. I do not think we ought to proceed to fix a time for voting on the bill, or do anything else regarding it, until the senior Senator of the minority who has the bill in charge for the minority is present. You can do this to-morrow morning, if you want to, but he is not here now.

Mr. ALLISON. I should be very glad to have the Philippine bill disposed of. I am endeavoring to get in at intervals with an appropriation bill, all the time hoping that the Philippine bill would reach an ending.

Mr. TELLER. The Senator can take up the appropriation bill now, so far as we on this side are concerned.

Mr. ALLISON. Well, then, Mr. President, I ask unanimous consent that the pending bill be informally laid aside.

Mr. TELLER. There is no use disguising the matter. You will not be allowed to vote on the Philippine bill to-day.

Mr. ALLISON. After that statement I hope the bill may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that what is known as the Philippine bill be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF GAME IN ALASKA.

The PRESIDING OFFICER (Mr. MCCOMAS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURTON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. BACON, Mr. KITTREDGE, and Mr. GIBSON were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I now ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the

Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill at line 11, on page 105. The next amendment of the Committee on Appropriations was, under the subhead "National cemeteries," on page 106, line 15, after the words "District of Columbia," to insert:

or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof.

And in line 19, before the word "dollars," to strike out "forty," and insert "forty-five," so as to make the clause read:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

Road to national cemetery, Springfield, Mo.: For repairing and improving the Government road from Springfield, Mo., to the national cemetery near that city, $20,934.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects. War Department," on page 108, line 14, after the word "posts," to insert "and for the acquisition of such lands and leases in lands;" in line 20, before the word "hundred," to strike out "five" and insert "eight," and in the same line, after the word "dollars," to insert:

And from this amount there shall be expended for additional buildings at the military post at Fort Meade, S. Dak., $100,000; and for additional buildings at the military post at Fort Lincoln, N. Dak., $75,000. The Secretary of War is hereby authorized to accept donations of land or interests in land in connection with the establishment and maintenance of military posts and national cemeteries whenever it may be necessary for the use of said military posts and national cemeteries.

So as to make the clause read:

Military posts: For the construction of buildings at and enlargement of such military posts and for the acquisition of such lands and leases in lands as, in the judgment of the Secretary of War, may be necessary, and for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, $1,800,000; and from this amount there shall be expended for additional buildings at the military post at Fort Meade, S. Dak., $100,000; and for additional buildings at the military post at Fort Lincoln, N. Dak., $55,000. The Secretary of War is hereby authorized to accept donations of land or interests in land in connection with the establishment and maintenance of military posts and national cemeteries whenever it may be necessary for the use of said military posts and national cemeteries.

Mr. HANSBROUGH. I inquire of the Senator from Iowa if it will be in order to offer an amendment at this time to the committee amendment?

Mr. ALLISON. It will be.

Mr. HANSBROUGH. Then I move to amend the amendment in line 24, after the name "North Dakota," by striking out "seventy-five" and inserting "one hundred."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 108, line 24, it is proposed to amend the amendment of the committee after the name "North Dakota" by striking out "seventy-five" and inserting "one hundred;" so as to read:

And for additional buildings at the military post at Fort Lincoln, N. Dak., $100,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 109, line 12, to reduce the appropriation for the purchase of the necessary land for a military post in the vicinity of Manila, P. I., in accordance with a provision in the act approved February 14, 1902, from $75,000 to $55,000.

The amendment was agreed to.

The next amendment was, on page 109, line 19, before the word "small," to strike out "some;" so as to make the clause read:

For the purchase of small tracts of land adjoining the military reservation at Fort Leavenworth, Kans., necessary for the maneuvering of the troops, $9,300.

The amendment was agreed to.

Mr. QUARLES. I ask unanimous consent to offer a little amendment, in line 22, page 129, which I have had printed and laid upon the table. It involves the expenditure of $3,000 "for the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., and for the purpose of purchasing a suitable approach to such cemetery." I hope the distinguished Senator in charge of the bill will not object to this amendment.

Mr. ALLISON. I hope the Senator will waive the offering of that amendment until we get through with the committee amendments.

Mr. QUARLES. I was fearful I might not be here when the bill was again under consideration. I will consider it a very great favor if the Senator will permit the amendment to come in now.

Mr. ALLISON. If the Senator will hand it to me, I will endeavor, if he is not here, to take care of the amendment. I think it is a proper amendment, but I do not wish to set a precedent that may give rise to trouble.

Mr. QUARLES. Very well, Mr. President; that is entirely satisfactory to me.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 110, to insert:

For the purchase, on such terms as the Secretary of War deems fair and reasonable, of the land forming the roadway from the Aqueduct Bridge to Fort Myer, in Alexandria County, Va., where the said land has not been dedicated to the public and is owned by private parties: *Provided*, That the United States shall acquire said land free from any obligation to keep said road in repair or open to the public, and that the parties from whom the land is purchased shall warrant the same to the United States against all claims of every kind and nature whatsoever, $4,500.

Mr. PLATT of Connecticut. I should like to have some explanation of this amendment from the chairman of the committee. I presume the amendment is all right, but on reading it it looks as if it provided for a roadway in the State of Virginia, and whether it has been dedicated or not is not very fully set forth. I am not quite sure about it and I should like to have some explanation regarding it.

Mr. ALLISON. This is an appropriation for what is known as the Memorial Bridge across the Potomac River, to connect the District of Columbia with our possessions at Fort Meyer and also with the National Cemetery. I am not so sure whether all the land necessary for the purpose has been dedicated or not. I think it very likely that some of it has not been; but there is an existing hope that so much of it as may be necessary will be dedicated if we appropriate the amount of money here proposed and continue the appropriations hereafter.

Mr. PLATT of Connecticut. Is there not a road from the Aqueduct Bridge to Fort Myer, which has been traveled for years and years?

Mr. ALLISON. I beg the Senator's pardon. There is. That is another matter. There is a portion of this road which has been used for many years, which, it is claimed, has never been dedicated to the public. The object of this amendment is to acquire a proper title. It is a small matter. I thought the Senator had in view the amendment regarding the Memorial Bridge.

Mr. PLATT of Connecticut. I know it is a small matter, but the road is not to be a United States road, and the United States is to be under no obligation to keep it in repair. It seems to be buying land on which a road runs and which it is said has not been dedicated to the public. There is no provision for any investigation to ascertain the facts in regard to it and whether or not it has been dedicated.

Mr. ALLISON. There is a long document regarding this question, for which I have sent. The provision was inserted at the request of the Attorney-General, who considered this the wisest and best way to dispose of a disputed and rather complicated question.

Mr. PLATT of Connecticut. I am not opposing it.

Mr. ALLISON. I shall be very glad to have the letter of the Attorney-General read, which gives information on the subject.

Mr. PLATT of Connecticut. I hope it will be read. The provision simply struck me as peculiar.

Mr. ALLISON. It is peculiar. The object of it is to settle a difficulty which has arisen respecting the road to Fort Myer.

Mr. PLATT of Connecticut. In most States—I do not know how it is in Virginia—where a road has been for a long time traveled by the public that itself is evidence of dedication which you can not go behind.

Mr. ALLISON. That question has been raised, and there is some doubt about it. The Attorney-General recommends this provision as the wisest and most economical method of settling the controversy. I shall be glad to have the letter read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., September 27, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in which you ask my opinion as to whether or not the interests of the Government require a final adjudication of the questions involved in the criminal proceeding (instituted in September, 1899, in a court of Alexandria County) in behalf of the Commonwealth of Virginia *v.* Howard P. Marshall and H. Rozier Dulaney, charged with obstructing the Rosslyn-Fort Myer military road, before the land is acquired, as contemplated, by purchase.

The proceeding in question resulted in the conviction of the defendants and the imposition of a fine, from which judgment a writ of error to the circuit court of said county has been sued out. There the matter stands.

At the request of the United States attorney for the eastern district of Virginia, in whose request you concurred, the Attorney-General appointed Francis L. Smith as special counsel in the case, and subsequently employed him to act as legal adviser to the board of Army officers appointed by you to investigate and report upon the title to the road, etc.

In reporting upon the case, the United States attorney stated that the verdict in the county court was really obtained upon the ruling of the trial judge to the effect that, although there was no legal dedication, the defendants or those under whom they claim had, after long usage by the public, closed the original road and substituted the land over which the road runs in part for the land originally occupied as a road, and then the judge decided as a "question of first impression" against the accused.

The doctrine laid down by the supreme court of appeals of Virginia (Kelly's case, 8 Grat., 632; Gaines *v.* Merryman, 95 Va., 660, and Buntin *v.* Danville, 93 Va., 200) is that the mere user of a road by the public for however long a time will not constitute it a public road, and that a road dedicated to the public must be accepted by the county court upon its record before it can become a public road, not necessarily a formal acceptance; any entry on the records of the court showing that it is regarded as a highway will be sufficient.

Further action by the circuit court in the criminal proceeding was suspended pending your consideration of the offer of the defendants to sell to the Government the land involved at the same rate, $1,000 per acre, at which they acquired it years ago. This offer was submitted as the result of a conference between the special assistant United States attorney and counsel for the defendants.

It seems to be the judgment of the Judge-Advocate General that, in the event the State is successful in the pending prosecution of Dulaney and Marshall, the Government will not need to purchase their interest in the land. This view of the matter would appear to be correct and controlling were it not for the opinion expressed by the United States attorney and the special assistant attorney who was in immediate charge of the case that, in the light of the decisions of the supreme court of appeals as to what constitutes dedication, and in the absence of record proof of dedication, the prosecution will not result in the conviction of the defendants.

Viewing the case as they do, counsel for the Government recommend the acceptance of the offer of compromise and regard that disposition of the matter as a highly satisfactory adjustment of the controversy, and, under all the circumstances, I agree with them.

The refusal to accept the offer of compromise will doubtless result in the trial of the case upon the writ of error, in the reemployment of special counsel, and probably, if the State is unsuccessful, in the failure of the War Department to secure as reasonable terms as those now offered.

I may add that upon being informed on June 7, 1901, by the board of Army officers that Mr. Smith's services had been completed and were highly satisfactory, the Department directed the payment of $500 to him, making $750 in all for his service in the prosecution of the case and as legal adviser to the board, and that Mr. Smith's connection with the matter has been closed.

The papers sent with your letter are herewith returned.

Very respectfully,

P. C. KNOX, *Attorney-General.*

The SECRETARY OF WAR.

Mr. PLATT of Connecticut. That seems to be satisfactory, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, after line 11, to insert:

For construction of macadamized road 30 feet wide and 3,450 feet long on Fort Sheridan Military Reservation, Ill., for the purpose of connecting present road on reservation with that known as the Sheridan road at the northern boundary of reservation, $8,000: *Provided*, That the use of said road shall not be permitted to interfere with or obstruct the garrison in any of its military exercises, drills, maneuvers, target practice, etc., or to disturb the quiet of the garrison at night.

The amendment was agreed to.

The next amendment was, on page 112, line 24, after the word "carriages," to strike out "and model in relief of the Nashville and of the Atlanta battlefields;" so as to make the clause read:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical, and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, and for the purchase of land already authorized by law; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 113, line 6, before the word "civilian," to strike out "three" and insert "two;" and in line 10, before the word "thousand," to strike out "forty" and insert "thirty-seven;" so as to make the clause read:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tenn.; for the compensation of two civilian commissioners and the secretary, clerical and other services, labor, land, iron gun carriages, and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, $37,000.

Mr. BATE. In the sixth line on page 113 I should like to have inserted the words "an assistant in historic work."

Mr. ALLISON. I had a conversation with the Senator about this matter yesterday. I do not quite understand the proposal of an assistant engaged in historic work. I do not think it has been estimated for.

Mr. BATE. They have them elsewhere in some of these national military parks. And if it is consistent with the Senator's idea of right, I should also, in this connection, like to have the amount restored to $40,000. The committee of the Senate have reduced it to $37,000. Forty thousand was recommended by the House committee.

Mr. ALLISON. I will ask that the amendment be stated from the desk.

Mr. BATE: I will state it. After the word "commissioners" in line 6, on page 113, I wish to insert "an assistant in historic work and". The Senator who has this bill in charge can see at once the necessity for a historian to get up the histories, in connection with this battle, of the various regiments that fought in it.

Mr. ALLISON. Has it been estimated for? Does it meet with the approval of the War Department?

Mr. BATE. I am not aware of any objection.

Mr. ALLISON. There is no estimate for it. It creates a new office. I trust the Senator will not press the amendment, and I will waive the amendment in line 10, so that they will have a little more money to use.

Mr. BATE. I will see the War Department about it, as the Senator seems to regard the approval of the Secretary of War essential.

Mr. ALLISON. I prefer to pass the paragraph over until the Senator shows some recommendation of the War Department.

Mr. BATE. In addition to that, and in connection with this section, I should like to call the Senator's attention to another amendment. I wish to insert after the word "dollars" in line 10, page 113, the following:

For the construction and extension of the metaled or macadamized road leading from Pittsburg Landing through Shiloh battlefield in the direction of Corinth, Miss., so far as that amount will build it, $10,000.

Mr. ALLISON. Then I ask that the amendment also may go over until the Senator can secure some recommendation of the Secretary of War. I am not familiar enough with the matter to allow the amendment to go in without further information.

The PRESIDENT pro tempore. The entire paragraph in reference to the Shiloh National Military Park will be passed over for the time being.

Mr. BATE. And also the amendments which I have offered.

The PRESIDENT pro tempore. If the Senator from Tennessee will send his amendment to the desk it will be printed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 21, before the word "civilian," to strike out "three" and insert "two;" and in line 25, before the word "dollars," to strike out "seventy-five thousand" and insert "seventy-one thousand one hundred;" so as to make the clause read:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of two civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $71,100.

The amendment was agreed to.

The next amendment was, on page 114, line 3, before the word "civilian," to strike out "three" and insert "two;" and in line 11, before the word "dollars," to strike out "one hundred thousand" and insert "ninety-six thousand four hundred;" so as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of two civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $96,400.

Mr. CULLOM. I hope the chairman of the Committee on Appropriations will not insist upon the amendment, but will allow it to be disagreed to and the provision as it passed the House to stand.

I desire to say that the Vicksburg National Park stands in a different attitude toward the country from either of the others, because of its newness. It is only a little while since they began to improve the park, and the full commission, so far as I can learn, is very much needed. With the older parks, which have been in a state of improvement for ten or fifteen years, of course there is no necessity for retaining three commissioners. Certainly if ever three are required in any park, they are required for the Vicksburg park. I am especially interested in it because it so happens that the State of Illinois, which I have the honor to represent in part, had more troops there on the Federal side, by two to one, than any other State in the Union.

There is very great need of a full commission for some years yet, and I hope the chairman of the committee will allow the Senate provision to be disagreed to and the full commission of three to remain. I have documents here, which I could read, showing the facts in reference to it, but I do not think it is necessary. The mere suggestion of the fact that that is a new work and that we

have practically just commenced upon it, while the others are old, it seems to me, should be sufficient. I think some of them are thirteen years old, some of them eleven years old, some of them seven years old, and so on. I can see that there might be some reason for reducing the number of commissioners in connection with them.

Mr. ALLISON. I am familiar with the situation in this park. The Senator from Illinois did not quite state the condition as I understand it. If he will turn his eye to the paragraph just below he will observe that as the bill came to us there was added a provision whereby at all these parks there should be but one commissioner.

Mr. CULLOM. That, I understand, is recommended by the Senate committee to be stricken out. I hope we will strike it out.

Mr. ALLISON. I hope so, too. The Committee on Appropriations believed there should be at least two commissioners at each of these parks, and they so provided in the amendments proposed, and some of which have already been agreed to.

There is some force in the suggestion that the large expenditure—because it is a large expenditure—made at Vicksburg is exceptional as compared with some of the other parks. The real work of laying out the park and of doing the things necessary for the park has already been done in all other cases except Vicksburg Park, so far as I know. I merely call the attention of the Senator to the fact that if we do not in some way amend this paragraph, and then if we are obliged at some stage of the proceedings to accept the subsequent paragraph, he may be in a worse condition than he is now. I shall leave the matter to the Senate.

Mr. CULLOM. If the amendment proposed by the committee on the part of the Senate is rejected and "three" remains, and the subsequent paragraph is stricken out——

Mr. ALLISON. Finally.

Mr. CULLOM. Finally; then would there be any other amendment necessary?

Mr. ALLISON. There would not be; but suppose at the final conclusion of the bill the paragraph now in the text, and which we recommend shall be stricken out, can not be removed from the text of the bill. Then the Senator will be in a worse condition than he is now.

Mr. CULLOM. That is true.

Mr. McLAURIN of Mississippi. Will the Senator from Illinois permit me?

Mr. CULLOM. Certainly.

Mr. McLAURIN of Mississippi. It will also be necessary for the chairman of the committee to waive the amendment, offered in line 10, where it proposes to strike out "one hundred thousand" and insert "ninety-six thousand four hundred."

Mr. ALLISON. Undoubtedly; and waiving these amendments will place this paragraph beyond our control hereafter, without stating in what way, as is quite well known to the Senator from Illinois.

Mr. BATE. Will the Senator from Illinois permit me? There is an additional reason. I was one of those interested at the beginning in these national parks on battlefields. Several of us had a meeting. I remember there were present General Manderson, General Walthall, and, I think, General COCKRELL and others. It was generally understood that there would be more than one commissioner—certainly two, if not three—and at most places three were provided for. The reason was that we wanted both sides of the battle to be represented; that is, that the Federal side should have a commissioner and one should be appointed likewise from the Confederates. It is required as the law stands now that each shall have been in that particular battle, one on the Confederate side and the other on the Federal side. And that is the way the number three came to be agreed upon. I think the Senator from Illinois gives a very good reason why perhaps in this instance there should be a third one.

I am against the House proposition in regard to this matter because it gives but one. Take Shiloh, for instance, for which I was speaking a while ago. There would be but one commissioner. If he belonged to either the Confederate or the Federal side it would be exceedingly embarrassing. I think the committee has shown great wisdom in making it two, if they can not make it three, because we must do justice to all parties. It would certainly be unjust otherwise, for the commissioner has to get up the history of all who were engaged in the battle, and see that the monuments are properly placed, and supervise everything connected with it. Therefore, you must have one Confederate to be en rapport with his people and secure proper information, and you must have one from the Federal side for a like purpose.

Therefore I think the amendment which the committee have recommended to the bill is correct, unless three commissioners can be obtained. There should be two, and we should not take any less at any rate.

The Secretary of War has acted with us all the while. He has agreed to it, and has made the appointments with the idea expressed in the law. The preceding Secretary of War, General Alger, once made a different appointment, and some of us from both sides went to him and told him the history of matter, how it originated, what the original understanding was, and he corrected the mistake.

Mr. CULLOM. The Illinois commission had recently been at Vicksburg, and it has been at work for a week or two weeks, perhaps. One of them wrote to me that he had been climbing hills and running down hollows and through the brush and bushes and briars until he had worn out all his clothing pretty nearly, and he says it is a tremendous work, and that three commissioners certainly ought to be retained in connection with that commission. They ought to be, as the Senator from Tennessee says, men who are familiar with the siege of Vicksburg. The delegation from Illinois was composed of old soldiers who were engaged in that siege. I hope in the end the chairman of the committee will take care of this matter.

I will say to the Senator from Mississippi that I think we had better leave the total as it is, so that the conference committee can have control of it when they come to dispose of it finally.

Mr. BATE. I think the Senator from Illinois will join with me in regard to the Shiloh matter. He spoke of the number of Illinois troops engaged at Vicksburg. They had 34 regiments at Shiloh, according to history; and in praise of his State I will say that they have already erected that many monuments or markers. So have Ohio and Indiana erected monuments and made arrangements for others, as have many other States.

Mr. CULLOM. I am not as familiar with Shiloh as I am with Vicksburg. It is a little older——

Mr. BATE. And much larger.

Mr. CULLOM. And in that view I was not disposed to make any question about any of the parks except Vicksburg, where the work has but recently been entered upon.

Mr. McLAURIN of Mississippi. I have no objection, as suggested by the Senator from Illinois, to leaving the amendment of the committee in line 10, inserting "ninety-six thousand four hundred" instead of "one hundred thousand." I supposed, though, that when the committee struck out "three" and inserted "two," causing a reduction of $3,600, the reduction was with reference to the reduction in the number of commissioners. If the number were reduced to two instead of three, I suppose it would be understood by the committee that one of them, as suggested by the Senator from Tennessee, should be from the Confederate side and one from the Federal side. But for the reasons which have been given by the Senator from Illinois I think it very proper to provide three commissioners in this case.

Mr. CULLOM. I think General Lee——

Mr. McLAURIN of Mississippi. General Stephen D. Lee.

Mr. CULLOM. He is the Confederate soldier in connection with that park?

Mr. McLAURIN of Mississippi. Yes, sir; he is now one of the Park Commissioners.

Mr. BATE. And is chairman of it?

Mr. CULLOM. No.

Mr. McLAURIN of Mississippi. He was a lieutenant-general.

Mr. CULLOM. I think a gentleman from Iowa is in charge of the Commission, and then there is General Lee, from Mississippi, and an Illinois man.

Mr. COCKRELL. Mr. President, if there is necessity for three commissioners anywhere, it is at Vicksburg. The line of the Confederates there was over 7 miles long—from river to river. The line of the Federal forces being exterior to it and at some places a quarter of a mile distant, while in other places almost hand to hand, was much longer—13 or 14 miles, my recollection is.

Mr. CULLOM. A communication which I have here says 13 miles.

Mr. COCKRELL. It was fully that. There is a dense growth there.

Mr. McLAURIN of Mississippi. And the country is hilly.

Mr. COCKRELL. Very hilly. In some places the hills are almost straight up and down. I had occasion to visit it during the summer, in connection with Confederate and Federal officers, to try to locate the position of the Missouri troops on both sides. It was a very difficult task. It was much more difficult to locate the Federal troops than it was the Confederates, because there was a line that we could trace all the way around where the fortifications had been. They had not entirely disappeared, and some of them were very distinct. But where the Federal line was is now in the woods. A dense growth has grown up where there were no trees at all at the time. There are now trees 6 or 8 or 10 inches in diameter where there was not a thing at the time the battle ended. It makes it very difficult to mark out the line.

I do not think the amount is excessive there. It ought to be a liberal allowance to mark out the lines. It will take some time to place markers along the lines where the troops were. It is very difficult to learn where a regiment was, and the right and the left of

the regiment, because everything has disappeared which was there at the time when the fighting occurred. If three commissioners are needed anywhere, they ought to be there, because of the immense work that has to be done.

Then, in my judgment, as long as we have commissioners, until the work is practically done and the lines occupied by the forces marked out and markers placed, there ought to be at all parks two commissioners, so that the lines may be shown and marked and the positions of the troops on each side marked.

The PRESIDENT pro tempore. The amendment will be divided. The question will first be put on agreeing to the amendment in line 3, page 114, to strike out "three" and insert "two."

The amendment was rejected.

The next amendment was, on page 114, line 10, to strike out "one hundred thousand" and insert "ninety-six thousand four hundred;" so as to read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $96,400.

The amendment was agreed to.

Mr. FORAKER. I gave notice some days ago that I would introduce an amendment to the bill at page 107. I had the misfortune to be called out of the Chamber just before that point was reached, and I did not return until after the clause had been reached which is at present under consideration. I therefore ask the Senator from Iowa having the bill in charge to allow me to offer the amendment, to be inserted on page 107, at the end of line 5. It is as follows:

For reconstruction of stone wall inclosing the Confederate cemetery at Camp Chase, Ohio, $2,000.

Mr. ALLISON. I hope the Senator will withhold the amendment for the present until we complete the amendments of the committee.

Mr. FORAKER. Very well. I do not understand in what way the amendments are now being considered.

Mr. ALLISON. If it is inserted it should be inserted as a separate paragraph.

Mr. FORAKER. Very well. For information I will make an inquiry. Do I understand that after we get through with the consideration of the committee amendments we will go back, that such amendments as Senators may desire to offer may be submitted?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 114, after line 11, to strike out:

No part of the foregoing sums for national military parks shall be used during the fiscal year 1903 for the payment of more than one commissioner for service in connection with each of said parks under the direction of the Secretary of War, nor shall more than 10 per cent of the sums for either of said parks be expended for salaries of clerks or other employees.

The amendment was agreed to.

The next amendment was, on page 114, line 25, after the word "charts," to strike out "and bulletins;" so as to make the clause read:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts, and of investigating lake levels, with a view to their regulation, to be immediately available and to remain available until expended, $150,000.

Mr. ALLISON. Those words were rather improvidently recommended by the committee to be stricken out. I understand from the War Department that the words should be retained. I hope the amendment will be disagreed to.

The amendment was rejected.

The next amendment was, on page 116, line 3, after the word "therefor," to strike out "under a contract to be made with the Board of Charities of the District of Columbia;" so as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 116, after line 20, to insert:

Governors Island, New York: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, $200,000; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 21, 1900, $60,000; in all, $260,000.

The amendment was agreed to.

The next amendment was, on page 117, after line 4, to insert:

Memorial bridge across the Potomac River: To enable the Secretary of War to begin the construction of a memorial bridge connecting the Potomac Park with the Arlington estate property, $100,000: *Provided*, That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress: *And provided further*, That the cost of said bridge and the approaches thereto shall not exceed $2,500,000.

Mr. PLATT of Connecticut. Mr. President, I should like some explanation of this item. What is the necessity for saying "to begin the construction of a memorial bridge," when the amendment provides that the plans are "to be subject to the approval of the President and Congress?" How can such a bridge be commenced if the plans are to be subject to the approval of Congress before, as I suppose, anything is done? They would not be approved by this Congress, I suppose; perhaps by the next Congress.

Mr. ALLISON. The Senator means at the present session?

Mr. PLATT of Connecticut. By Congress at this session.

Mr. ALLISON. It might not be, I will say to the Senator.

Mr. PLATT of Connecticut. Let me make a further inquiry. Is it intended by this amendment to really begin the construction of a memorial bridge before plans for it are approved by Congress?

Mr. ALLISON. It is not.

Mr. PLATT of Connecticut. If that is the understanding of the amendment I have no objection to it, but it looks as if it was to be begun immediately.

Mr. ALLISON. If the Senator will read the proviso he will see——

Mr. PLATT of Connecticut. I have read it.

Mr. ALLISON. It reads:

That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress.

I do not see very well how they can expend any portion of this money except whatever may be necessary to secure the plan until after it has received the approval of Congress.

Mr. WARREN. I think the Treasury Department rules that the expense of the drawing of plans is a part of the construction or cost of a public building. I assume that a Government bridge would come under the same rule. Therefore it is necessary to provide some fund for drawing the plans in order to make the initial commencement.

Mr. PLATT of Connecticut. If the plans are not yet determined I think we ought not to do anything in the way of actually commencing the construction of the bridge until those plans have been determined and approved by Congress.

Mr. ALLISON. That is the understanding of the amendment.

Mr. PLATT of Connecticut. If that is meant by it I have no objection.

Mr. ALLISON. If more apt phraseology can be used I shall be glad to have the Senator suggest it.

The amendment was agreed to.

The next amendment was, on page 117, after line 16, to insert:

Establishment of Apache prisoners at Fort Sill, Okla.: For the erection of buildings and repairs to same, purchase of draft animals and live stock for breeding purposes, farm and household utensils, blacksmith and wheelwright tools and repairs to same, and all other necessary articles absolutely needed for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Okla., under control of the War Department, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 123, after line 3, to insert:

For new barrack, $30,000.

The amendment was agreed to.

The next amendment was, on page 123, line 10, to increase the total appropriation for the support of the National Home for Disabled Volunteer Soldiers from $305,275 to $335,275.

The amendment was agreed to.

The next amendment was, on page 130, line 16, before the word "hundred," to strike out "four" and insert "nine;" and in line 22, before the word "hundred," to strike out "three" and insert "eight;" so as to make the clause read:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; general treasurer, who shall not be a member of the Board of Managers, $4,000; inspector-general, $3,000; assistant general treasurer and assistant inspector-general, $2,500; two assistant inspectors-general, at $2,500 each; clerical services for the offices of the president and general treasurer, $10,500; messenger service for president's office, $144; clerical services for managers, $3,900; agents, $1,800; for traveling expenses of the Board of Managers, their officers and employees, $15,000; for outdoor relief, $1,000; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $8,000; in all, $58,844.

The amendment was agreed to.

The next amendment was, on page 130, line 23, to increase the

total appropriation for the maintenance of the National Homes for Disabled Volunteer Soldiers from $3,693,469 to $3,724,369.

The amendment was agreed to.

The next amendment was, on page 131, line 2, after the word "and," to strike out "of" and insert "officers under;" so as to make the clause read:

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 133, line 21, to increase the appropriation for defraying the necessary expenses of defending suits in claims against the United States from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 133, line 24, before the word "For," to strike out "Defense of suits before Spanish Treaty Claims Commission" and insert in capitals "DEFENSE OF SUITS BEFORE SPANISH TREATY CLAIMS COMMISSION;" so as to make it a subhead for the clause following.

The reading was continued to page 134, line 10.

Mr. ALLISON. On page 134, line 10, under the subhead "Defense of suits before Spanish Treaty Claims Commission," after "dollars," I move to strike out the period and insert a comma and the following:

Of which not exceeding $1,000, to be immediately available, may be expended for law books and books of reference.

The amendment was agreed to.

The next amendment was, on page 135, line 19, to increase the appropriation for actual and necessary expenses of the judges and clerks in the district of Alaska when traveling in the discharge of their official duties from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 136, line 8, to reduce the appropriation for the employment of counsel for the Mission Indians of southern California from $1,000 to $500.

Mr. PLATT of Connecticut. Did not the Attorney-General request an appropriation of a thousand dollars there?

Mr. ALLISON. Yes, sir; he estimated that sum.

Mr. PLATT of Connecticut. Did not the committee think it was necessary? The chairman of the Committee on Indian Affairs is perhaps better informed on the subject, but I had understood that the work of special counsel there was to be important, and perhaps $1,000 would not be too much.

Mr. ALLISON. I should be very glad to have an explanation from the Senator from Nevada.

Mr. STEWART. What is the amendment?

The Secretary read as follows:

Counsel for Mission Indians: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $500.

Mr. PLATT of Connecticut. One thousand dollars was appropriated by the House, and the amendment strikes it out and makes it $500.

Mr. STEWART. I do not think there is much in that.

Mr. PLATT of Connecticut. All right.

Mr. ALLISON. I think there is nothing in it. Indeed, I think we could omit the entire appropriation, but we thought some good service might be done during the year. He has been paid $1,000 for a long time.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 137, line 4, after the word "dollars," to insert:

The Commission may pay a fixed compensation, not to exceed $2,500 annually, with allowance for subsistence, instead of fees, to commissioners, not exceeding two in number, whom the Commission under existing law may appoint to take testimony in the island of Cuba. The Commission may, in the place of two clerks now in service, employ an assistant clerk at the rate of $2,000 per annum and one clerk at the rate of $1,400 per annum.

So as to make the clause read:

Salaries and expenses, Spanish Claims Commission: For general expenses of the Commission for all the purposes mentioned in the act approved March 2, 1901, in addition to the continuing annual appropriation of $50,000 provided in said act, $5,000. The Commission may pay a fixed compensation, etc.

The amendment was agreed to.

The reading of the bill was continued to line 3, page 138.

Mr. ALLISON. On page 138, after line 3, under the heading "Judicial," I move to insert:

For salary of the additional circuit judge in the second circuit authorized by the act approved April 17, 1902, $6,000.

The amendment was agreed to.

The reading of the bill was continued to line 15, page 138.

Mr. ALLISON. I offer the following amendment, to be inserted after line 15, page 138:

And provided, That from and after July 1, 1902, all the fees and costs in extradition cases shall be paid out of the appropriations to defray the expenses of the judiciary, and the Attorney-General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign governments requesting extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney-General for deposit in the Treasury of the United States.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 138, line 24, to increase the appropriation for payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, from $185,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 139, line 5, after the word "dollars," to insert the following proviso:

Provided, That each clerk of the district and circuit courts shall, on the first days of January and July of each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, written returns for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, and of all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year; and the word "emoluments" shall be understood as including all accounts received in connection with the admission of attorneys to practice in the court, all amounts received for services in naturalization proceedings, whether rendered as clerk, as commissioner, or in any other capacity, and all other amounts received for services in any way connected with the clerk's office: *Provided further*, That no amount in excess of $5 shall be received from any attorney in connection with his admission to practice in a circuit or district court.

Mr. ALLISON. In line 14 I move to modify the amendment by striking out the word "accounts" and inserting "amounts."

The PRESIDENT pro tempore. The amendment will be so modified, in the absence of objection.

Mr. ALLISON. I will state briefly that this amendment comes to us from the Department of Justice. It is deemed important in settling accounts.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment was, on page 140, after line 6, to insert:

To pay the rental of suitable rooms and accommodations for holding the circuit and district courts in the northern district of Georgia at Athens, Ga., and at Rome, Ga., $1,000 for each place, $2,000.

The amendment was agreed to.

The next amendment was, on page 140, line 24, after the word "appeals," to insert "when on duty outside the State of their residence;" so as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit court of appeals when on duty outside the State of their residence, not to exceed $10 per day; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $160,000.

Mr. ALLISON. I ask unanimous consent to amend the amendment by adding after the word "residence" in line 25 the following:

Which expenses shall be in lieu of those authorized by section 8 of the act of March 3, 1891.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 142, line 9, to increase the appropriation for support of United States prisoners, including necessary clothing and medical aid and transportation to place of conviction or place of bona fide residence in the United States, etc., from $650,000 to $725,000.

The amendment was agreed to.

The next amendment was, in the clause for miscellaneous expenditures in the discretion of the Attorney-General for fuel, forage, hay, light, water, stationery, etc., on page 143, line 24, after the word "dollars," to insert the following proviso:

Provided, That this appropriation and the appropriations heretofore made for this purpose shall be available also for the expense of the care and medical treatment of guards who have been or may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny, and for the payment of burial expenses of guards killed while so engaged, which have been or which may hereafter be incurred.

The amendment was agreed to.

The next amendment was, on page 147, after line 15, to insert:

DEPARTMENT OF STATE.

Toward the proper proportional expenses of the United States for the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada along the forty-ninth parallel west of the

summit of the Rocky Mountains, as established by the Commission of 1856 to 1869 under the treaty of 1846, $100,000, to be expended under the direction of the Secretary of State and to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 148, after line 2, to insert:

Toward the proper proportional expenses of the United States for inspection and repair of the monuments marking the boundary line between the United States and Mexico, to be expended under the direction of the Secretary of State, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 148, after line 8, to insert:

Senate: To enable the Secretary of the Senate to pay to Thomas G. Garrett, as provided by Senate resolution of March 9, 1901, for compiling the debates in the Senate and the House of Representatives, the reports of committees, and other papers and documents by the direction of the Committee on Interoceanic Canals, $300, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 148, after line 15, to insert:

To enable the Secretary of the Senate to pay to William B. Turner, for preparing table of contents for reports of the Isthmian Canal Commission, being Senate Document No. 54, parts 1 and 2, and Senate Document No. 123, Fifty-seventh Congress, first session, as provided by resolution of the Senate of date March 14, 1902, $77.40, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 148, after line 23, to insert:

To enable the Secretary of the Senate to pay William M. Mulloy for reporting hearings before the Committee on Foreign Relations of the Senate, and securing and translating treaties between France and European countries, for use of the committee, $100, to be immediately available.

Mr. ALLISON. The name which appears to that amendment is misspelled. I move to amend the amendment by striking out the "u" in the name as it appears, "Mulloy," and inserting "a;" so as to read "Malloy."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 149, after line 4, to insert:

For rent for the storage of public documents of the Senate, $1,800.

The amendment was agreed to.

The next amendment was, on page 149, after line 18, to insert:

Busts of Justin S. Morrill and Daniel W. Voorhees: To enable the Joint Committee on the Library to procure and place in the Congressional Library building marble busts of the late Justin S. Morrill, a Senator from Vermont, and the late Daniel W. Vorhees, a Senator from Indiana, at a price not to exceed $1,500 each, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Public Printing and Binding," on page 150, line 21, to increase the appropriation for the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, etc., from $5,037,000 to $5,257,000.

The amendment was agreed to.

The next amendment was, on page 151, line 22, after the word "Commission," to insert "and excluding the Census Office;" so as to make the clause read:

For the Interior Department, including the Civil Service Commission, and excluding the Census Office, $325,000, including not exceeding $10,000 for rebinding tract books for the General Land Office.

The amendment was agreed to.

The next amendment was, on page 152, after line 8, to strike out:

For engraving the illustrations necessary for the report of the Director, $15,000; and said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

For engraving the illustrations necessary for the monographs and bulletins, $10,000.

For printing and binding the monographs and bulletins, $20,000.

And in lieu thereof to insert:

For printing the annual report of the Director and engraving the illustrations necessary for the report, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $65,000.

For printing and binding the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $150,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey.

Mr. ALLISON. I wish to amend the amendment which the committee propose to insert. After the first word, "For," in line 18, I move to strike out "printing the annual report of the Director and;" and in line 19 to strike out the word "report" and insert "annual report of the Director;" so as to read:

For engraving the illustrations necessary for the annual report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $75,000.

The amendment to the amendment was agreed to.

Mr. ALLISON. On line 23, in the next paragraph of the same amendment, on page 152, after the word "binding," I move to insert "the annual report of the Director;" so as to read:

For printing and binding the annual report of the Director, the monographs, professional papers, bulletins, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 153, line 5, to increase the appropriation for the printing for the Post-Office Department, exclusive of the Money-Order Office, from $275,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 153, line 9, to increase the appropriation for the printing for the Department of Agriculture, including $20,000 for the Weather Bureau, from $150,000 to $175,000.

The amendment was agreed to.

The next amendment was, on page 154, line 3, after the word "Treasury," to strike out:

To the credit of the appropriation for public printing and binding; and the Public Printer shall credit the allotment for printing and binding for the Library of Congress with such moneys.

So as to make the clause read:

The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and 10 per cent added, and all moneys received by him shall be deposited in the Treasury.

The amendment was agreed to.

The next amendment was, on page 154, after line 22, to strike out:

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I wish to return to page 30. After line 14, on that page, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 30, after line 14, it is proposed to insert:

For the construction of revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service in the waters of Hawaii, $100,000; and the total cost of said revenue cutter, under the contract which is hereby authorized therefor, shall not exceed $200,000.

The amendment was agreed to.

Mr. ALLISON. On page 48, line 16, I ask unanimous consent to modify the amendment relating to the pay of the foreman at the San Marcos (Texas) station. I move to strike out "$1,000" and insert $1,200." An amendment to the text there has already been agreed to, but it was a mistake.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 48, line 16, by striking out "$1,000" and inserting "$1,200."

The amendment was agreed to.

Mr. ALLISON. I ask that the total be changed to correspond with the amendments which have been made.

The SECRETARY. It is proposed to amend the total so as to read "$5,250."

The amendment was agreed to.

Mr. ALLISON. I wish to state that that amendment was offered upon the recommendation of the Commissioner of Fish and Fisheries.

On the recommendation of the Secretary of the Treasury, on behalf of the committee, I move to amend on page 2, line 4, after the word "hundred," by inserting "and fifty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 4, after the words "one hundred," it is proposed to insert "and fifty;" so as to read:

For custom-house at Baltimore, Md.: For continuation of building under present limit, $150,000.

Mr. COCKRELL. Does that increase go beyond the limit of cost provided for that building?

Mr. ALLISON. It does not; it is within the limit.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in

executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 3, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1902.

CHIEF JUSTICE OF THE COURT OF PRIVATE LAND CLAIMS.

Joseph R. Reed, of Iowa, to be chief justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

ASSOCIATE JUSTICES OF THE COURT OF PRIVATE LAND CLAIMS.

Henry C. Sluss, of Kansas, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

William W. Murray, of Tennessee, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

Wilbur F. Stone, of Colorado, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

Frank I. Osborne, of North Carolina, to be associate justice of the Court of Private Land Claims. A reappointment under the act approved April 28, 1902, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes." Incumbent's present commission expires June 30, 1902.

PROMOTIONS IN THE NAVY.

Asst. Surg. Alfred G. Grunwell, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. Cary D. Langhorne, to be a passed assistant surgeon in the Navy, from the 7th day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. Frederick L. Benton, to be a passed assistant surgeon in the Navy, from the 21st day of July, 1901, to fill a vacancy existing in that grade.

Asst. Surg. William H. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of September, 1901, to fill a vacancy existing in that grade.

P. A. Surg. William C. Braisted, to be a surgeon in the Navy, from the 26th day of January, 1902, vice Surg. Samuel H. Dickson, promoted.

Gunner Charles Morgan, to be a chief gunner in the Navy, from the 17th day of October, 1901, in accordance with the provisions of an act of Congress approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

ASSISTANT SURGEONS IN THE NAVY.

Robert Eustis Hoyt, a citizen of New Hampshire, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

Joseph Paul Traynor, a citizen of Maine, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

APPOINTMENT BY BREVET IN THE ARMY.

To be lieutenant-colonel by brevet.

Capt. Frank B. Andrus, Fourth Infantry, for conspicuous gallantry in action near Dasmarinas, Luzon, P. I., June 19, 1899, to rank from date.

NOTE.—This officer was nominated to the Senate March 20, 1902, for appointment as major by brevet, United States Army, for gallantry at Santiago, Cuba, July 1, 1898, and also for the action above named, June 19, 1899. This message is submitted to correct error in the brevet rank to which he should have been nominated for the action near Dasmarinas, Luzon, P. I., June 19, 1899.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1902.

POSTMASTERS.

George L. Holliday, to be postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania.

George W. Shaeff, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania.

George J. Price, to be postmaster at Flora, in the county of Clay and State of Illinois.

Albert Magnin, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

Edwin G. McGregor, to be postmaster at Burgettstown, in the county of Washington and State of Pennsylvania.

John H. Martin, to be postmaster at Greenville, in the county Mercer and State of Pennsylvania.

John P. Yates, jr., to be postmaster at Comanche, in the Chickasaw Nation, Indian Territory.

Richard H. Jenness, to be postmaster at Okmulgee, in the Creek Nation, Ind. T.

Otto F. Menger, to be postmaster at Clayton, in the county of Union and Territory of New Mexico.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 2, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF REPRESENTATIVE WILLIAM H. MOODY.

The SPEAKER. The Chair lays before the House a communication containing the resignation of a member of this body, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 1, 1902.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of the Commonwealth of Massachusetts my resignation as a Representative in the Congress of the United States from the Sixth Massachusetts district.

I have the honor to be, your obedient servant,

WILLIAM H. MOODY.

The SPEAKER. The communication will be included in the Journal and will lie on the table.

ROBERT J. SPOTTSWOOD AND HEIRS OF WILLIAM C. M'CLELLAN.

Mr. GRAFF. Mr. Speaker, I desire to call up a privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the words stricken out by the said amendment insert "twelve thousand five hundred."

And the Senate agree to the same.

JOSEPH V. GRAFF,
D. J. FOSTER,
PETER J. OTEY,
Managers on the part of the House.

BOIES PENROSE,
H. C. LODGE,
A. S. CLAY,
Managers on the part of the Senate.

Mr. LOUD. Mr. Speaker, that does not give the House the information as to what has been done.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask if there is any statement filed.

Mr. GRAFF. There is no statement filed with the report, but I can make a statement.

Mr. LOUD. But the rules of the House require a statement, Mr. Speaker.

Mr. GRAFF. I did not file a statement. That I thought was not necessary—that I could make an oral statement.

Mr. LOUD. Mr. Speaker, the rules of the House require a statement.

The SPEAKER. The rules are explicit on this matter. A written statement must accompany the report. The gentleman will please recall his report until the statement is furnished.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14019, with Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14019. By unanimous consent general debate has been concluded, and the Clerk will read.

The Clerk read as follows:

For assessor's office: For assessor, $3,500; 2 assistant assessors, at $1,600 each; 2 clerks, at $1,400 each; clerk, arrears division, $1,400; 4 clerks, at $1,200 each; draftsman, $1,200; 4 clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; 2 clerks, at $900 each; license clerk, $1,200; 2 clerks, at $1,000 each; inspector of licenses, $1,200; messenger, $600; for temporary clerk hire, $2,500; 3 assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,200; messenger and driver, for board of assistant assessors, $600; in all, $42,900.

Mr. McCLEARY. Mr. Chairman, an amendment was pending, offered the night before last, and I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw the amendment which is offered and is pending. Is there objection?

There was no objection.

Mr. McCLEARY. As a substitute I offer the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 20, on page 4, the following:

"That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia, the act of Congress approved March 3, 1877, entitled 'An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes,' as amended by specific acts of Congress, is hereby declared in full force and effect and to have been continuously so in force since its enactment; and that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they hereby are, clothed with the duties and powers of the assessors mentioned in said first-named act, and, under the direction of the assessor, they shall for the fiscal year beginning July 1, 1902, and subsequent fiscal years, assess personal property for taxation as required by law; and said board of assistant assessors, together with said assessor, are hereby constituted a board of equalization, appeal and review of the assessments of personal property; and hereafter said board shall, between the 1st day of September and the 31st day of October in each year, hold daily sessions for the purpose of equalizing the assessments theretofore made by them and of hearing and determining any and all appeals from the valuations theretofore made by them: *Provided*, That the tax on personal property shall be due, payable, and collected as now provided by law: *Provided further*, That each national bank, as the trustee of its stockholders, through its president, secretary or cashier, shall make the like returns and pay the same taxes as other corporations are required to do in said first-named act: *And provided further*, That the assessor and the three members of the board of assistant assessors authorized by the act approved August 14, 1894, whose salaries are herein appropriated for, shall, within ten days after January 1, 1903, be appointed by the President for a term of three years each, except that the terms of each of the three members of the board of assistant assessors shall terminate as follows. One year each, to be determined by lot among the three members of the board first appointed."

Mr. MUDD. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. This is an amendment to the amendment?

Mr. MUDD. Yes.

The CHAIRMAN. The gentleman from Maryland offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add to the proposed amendment:

"No person shall be appointed as assessor or assistant assessor as aforesaid unless he shall be a freeholder and an actual bona fide resident of the District of Columbia."

Mr. MUDD. Now, Mr. Chairman, I have another amendment which I wish to have read in my time.

The CHAIRMAN. The Clerk will report the amendment for the purpose of information.

The Clerk read as follows:

Strike out the last proviso of the proposed amendment.

Mr. MUDD. Mr. Chairman, I have offered one amendment, and had another read. I might have offered both and had them pending at the same time. The first amendment proposes to perfect the clause or section giving the President the power of appointing the assessors, and the second proposes to strike it out, so both would be in order under the rule, the first having priority as to order of voting. The first amendment proposes that in case the President shall appoint these assessors he shall appoint actual, bona fide residents of the District of Columbia and persons who are freeholders. I do not deem it necessary to discuss that at all. It seems to me very clear that if the method of appointment of these people is to be changed, actual residents and freeholders of the District of Columbia, who are interested in property matters here and who are at least fairly qualified to pass judgment upon those questions, ought to be the ones appointed.

I suppose, Mr. Chairman, if I wanted to get some one from my district appointed to one or all of these places it might be a pretty good thing from my standpoint to leave this provision as it was originally reported. This happens to-day, however, to be just the one office under the Government of the United States that I have not at this moment of time any applicant for. I have no doubt I shall have a great many in due season should the provision be enacted as it stands. But, Mr. Chairman, seriously speaking, I want to say that I do not desire any applicant from my district to be considered for these places, because I think in all good faith and fairness these people ought to be appointed from the District of Columbia. Now, if the committee does not see fit to adopt that amendment as to the residence and property qualification of the appointees, or even in case it does adopt that amendment, I propose to move to strike out the proviso, because it strikes me that if we are to give any regard whatever for the theory of local self-government to the extent that it can be given in this District, the District Commissioners ought to be allowed to continue to appoint these people.

These are the objects of my two amendments. The first one, I repeat, is to the effect that the President, if he be given the power of appointing, shall appoint actual bona fide residents and freeholders of the District. I should like to have a vote on that amendment.

Mr. HEPBURN. I should like to ask the gentleman if that is the present provision of law. Are the officers as now appointed necessarily residents or freeholders of the District of Columbia?

Mr. MUDD. I do not know that that is the case, Mr. Chairman.

Mr. HEPBURN. Why the necessity for the change at this time?

Mr. MUDD. Because I apprehend that the Commissioners, in making their appointments, will appoint from the District of Columbia. I take it for granted that they are so wedded to the idea of local self-government that they can be fairly trusted to make appointments from the District of Columbia, or people who are practically residents here, who have property here, who are freeholders of the District, and who know the needs and understand the business conditions of the District.

Mr. HEPBURN. Would the gentleman be willing to apply that provision to all the other employees of the District government?

Mr. MUDD. Well, I am not sure that I am prepared to say, or that it would be altogether consistent in me to say, that I stand committed to a literal adherence to that doctrine as to all the employees of the District. I apprehend that would be, as a general proposition, the better theory. But whether that be true or not, it is clear to my mind that the administration of a law that so deeply and peculiarly affects the local property interests that lie within this District and the intangible properties of people who live and make their permanent home here ought not under any conditions be placed under the control of men who shall be quartered upon this District merely to provide them with offices, and who know nothing and care nothing about the needs and the interests of the District or its people.

Mr. McCLEARY. As to the first amendment offered by the gentleman from Maryland, I see no objection to its adoption.

Mr. BENTON. What is it?

Mr. McCLEARY. That the assessors shall be actual residents and freeholders of the District.

Mr. BENTON. Mr. Chairman, I am opposed to that amendment. The assessor and his assistants are now appointed by the District Commissioners. The object of your committee in the amendment which it offered was to put that power of appointment in the hands of the President of the United States.

Mr. MUDD. I think the gentleman misunderstands the purport of the first amendment. The amendment that I now ask for a vote upon is simply to require that in case the President shall appoint, he shall appoint from among the freeholders and actual residents of the District. That is the amendment now pending.

Mr. BENTON. That is what I am talking about. The President has now authority to appoint the Commissioners. He can appoint one from the Army; he can appoint one from New York, and one from Louisiana, Virginia, or Missouri. The object of our committee was to have this question placed in the hands of the President, divorcing the appointment of the assessors from the Commissioners and from the authority in the Senate to confirm, so that the assessor and his assistants should be subject alone to the public opinion of the United States and to the opinion of the President as to whether they were faithful officers. I do not believe that he should be compelled to appoint the assessors from bona fide residents of the District of Columbia. If it is done they are more or less under local influences, and the very object of the amendment, in my opinion, would be destroyed. I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MUDD. Division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question now is on the adoption of the amendment offered by the Committee on Appropriations.

Mr. MUDD. I have another amendment, to strike out the last proviso.

The CHAIRMAN. That was not offered.

Mr. MUDD. I move to strike out the last proviso.

The CHAIRMAN. The gentleman did not offer it, because it was not in order. The gentleman now offers the amendment to strike out the last proviso, giving the President power to appoint. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the last proviso of the proposed amendment, as follows:

"*And provided further*, That the assessor and the three members of the board of assistant assessors authorized by the act approved August 14, 1894, whose salaries are herein appropriated for shall, within ten days after January 1, 1903, be appointed by the President for a term of three years each, except that the terms of each of the members of the board of assistant assessors shall terminate as follows: One each year, to be determined by lot, the three members of the board first appointed."

Mr. COWHERD. Mr. Chairman, as I understand the amendment of the gentleman from Maryland, it is to strike out the proviso last read by the Clerk. I take it that the sentiment of the House was sufficiently expressed in the last vote, and that that amendment can not carry. It would make the entire amendment ineffective. The purpose of this amendment is to raise taxes upon personal property. The purpose of the proviso is to take the entire appointment of the assessors of the District of Columbia away from local influences of the District, and I trust that the amendment may stay in such condition that that purpose may be enacted into law.

I want to say just a word about the amendment itself. The Committee on the District of Columbia have been criticised somewhat on the floor of this House for not bringing in a bill on this question. This matter has been called up on the floor of the House one way or another ever since I have been a member of this body; and I remember distinctly, some five years ago, when the matter was discussed a little on the floor, that gentlemen opposed any consideration of the matter, because they said the District was then raising as much taxes as the Government was willing to appropriate to meet, and for that reason there was no necessity for taxing personal property. Later on, as the revenues of the District began to be eaten up by the increased expenses, there appeared in the House some disposition to tax personal property; but then it was discovered that in places in authority in the District, and especially with the Commissioners of the District and many influential citizens, there was a very strong disinclination to any such law.

The matter has been considered once or twice in our committee. I introduced rather an extensive bill in the last session, and, I believe, reintroduced it in this session. I want to say, on behalf of the committee, that we have been favoring legislation along this line, but we thought it was best—in the interest of effective legislation—that it should first come from another Chamber. We felt that if we passed a law through our committee, and if the House should approve the work of the committee and pass it through the House, it might be sufficient to get large appropriations on this bill and might not in the end become a law. For that reason the Committee on the District of Columbia, and especially the subcommittee in charge of this work, concluded that it was best—for the benefit of legislation and effective legislation—that they should not act on this matter prior to action had in another body.

Now, let me say, in passing, of this measure, I am heartily in favor of it. It is quite possible—in fact, it is more than possible; it is a fact—that the legislation may be considered crude——

Mr. McDERMOTT. If the gentleman will permit me, I have considered this matter somewhat, and I want to arrive at a conclusion as to what this amendment means. What does this committee do with a foreign corporation that has an office here and transacts business outside of the District of Columbia? Illustrating it, as I did on yesterday, take the General Electric Company. If the General Electric Company establishes an office and works here and invests capital in it, does this bill subject the entire capital of that company to taxation here?

Mr. COWHERD. I do not think so, unless its capital is here.

Mr. McDERMOTT. Then it has no effect on a foreign corporation whatever.

Mr. COWHERD. It would have no effect on property that they owned outside of the District of Columbia, and ought not. I have not investigated that subject particularly, but that is my idea.

Mr. McDERMOTT. The gentleman thinks the tax would not be on the capital stock of a foreign corporation?

Mr. COWHERD. Not unless it has its chief place of business here.

Mr. McDERMOTT. I say it has its office here. The gentleman thinks the amendment would not have anything to do with a foreign corporation?

Mr. COWHERD. No.

Mr. McDERMOTT. I think we might spend a few moments on this and get an understanding of it.

Mr. BENTON. I will state, by way of interruption, that the gentleman from New Jersey is arguing on the main proposition, which is not now before the committee. The question is on the amendment offered by the gentleman from Maryland, striking out the proviso.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COWHERD] has expired.

Mr. COWHERD. Mr. Chairman, I ask that I may have five minutes more, and I will only use part of it.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. COWHERD. Mr. Chairman, I want to say a word in regard to the old law. There was a law on the statute book that provided for the assessment of taxes on personal property, and under that act it was provided that the Commissioners should publish an assessment list which should be sent out, and the police were sent out to deliver them to every householder. There was not in that law, and will not be if reenacted, a proper provision for the collection of the lists and the return of them, but it is the best that we can do at this time. It is the best we can do in this way, and I want to say that, in my opinion, after wrestling with this question a little in the last three or four years that I do not believe that we can ever enact a law in this District to tax personal property unless it is in some such way. You have got to put it on an appropriation bill or in some way force it through both houses of Congress or you will not get it. While I believe this law is crude and will not be a perfect law, it is the best we can do at this time. We may have to amend it at the next session of Congress, but as soon as it goes on the statute book and once is enforced I think every man in the District will be in favor of amending it and perfecting it. I am heartily in favor of the legislation, and I am heartily in favor of the way in which it is brought before the House.

Mr. GROSVENOR. Mr. Chairman, I agree with the statement that has been made in regard to the necessity of some law to tax personal property in the District of Columbia. I think at the door of the Commissioners of the District, or whoever it was that was at fault when the former statute was dismantled and wrecked, lies much of the blame for the situation which we have now in this District. But I am very doubtful about whether we are going to do justice by the passage of this law. I heard the statement of the chairman of the Committee on Appropriations in regard to the great expenditures that have been made on behalf of the District, and I am impressed with the fact that some, indeed a great deal of injustice appertains to that criticism. To illustrate: We took out of the funds of the District of Columbia one-half of the cost of the great improvement of the water supply and spent that money under the jurisdiction of the General Government. And then we find ourselves again taking the funds of the District for the building and completion of the same improvement of the water supply. I do not believe there was any equity or any justice in that performance from the beginning to the end. The cost of that work, the double cost of that work, the much more than double cost of the work, was caused by a blunder, to use no stronger term than that, of the representatives of the Federal Government and not of the District of Columbia, and I believe injustice was done for that reason.

Another criticism I make is as to the manner in which the funds of the District of Columbia have been handled. I do not know whose fault this is, but driven out into the outer country, in many instances beyond the line almost of the District—certainly beyond the residential portion of the District—we find enormous expenditures for streets. I was told this morning that three quarters of a million dollars had been expended on the extension of a few streets that have no beneficial effect to the District of Columbia or the people of it whatever, and yet they are taxed with their share of it. The real benefit goes to a coterie of real estate speculators in that section of the District.

Now, I am told that the real estate of the District of Columbia is now taxed at about 1½ cents on the dollar, and that the appraisement for that purpose is put at about 70 per cent of the nominal value.

Mr. BENTON. The gentleman means on the hundred dollars?

Mr. GROSVENOR. Certainly; a dollar and a half on the

hundred, but that the appraisement is 70 per cent of the nominal value.

Mr. BENTON. It is 65 per cent.

Mr. GROSVENOR. Well, 65 per cent. I was told that it was 70. In most of the States, and I have full knowledge of one of the States, where our assessment reaches far less than a cent and a half, and is put on an estimated value generally not above one-third of the nominal value of the property. I think if you are going to put the full assessed tax on the personal property in this District at the rate of $1.50 on the hundred, and then superadd that to the 1½ per cent on real estate, that you have got a condition of taxation that will be destructive rather than beneficial.

Mr. COWHERD. When the gentleman states that the tax in his State is much less than 1½ per cent, does he mean to include the State and county tax?

Mr. GROSVENOR. Not so far as I know. I think in Cincinnati the tax falls under 2 per cent all told, of every description.

Mr. COWHERD. Here the dollar and a half per hundred covers all.

[Here the hammer fell.]

Mr. GROSVENOR. I ask an extension of my time for five minutes.

There was no objection.

Mr. SHATTUC. Did I understand my friend to say that in Ohio the taxes are less than 1½ per cent?

Mr. GROSVENOR. On the average much less than 2½, I said.

Mr. SHATTUC. I wish to say that on the tax list of Hamilton County, Ohio, we have 30 houses which are all assessed at 65 per cent of what they would sell for, and on all bonds and stocks returned I pay 3 per cent.

Mr. GROSVENOR. Something depends upon the locality. In the small town in which I live the little property which I have is taxed only as I have stated, but in a city of the size of Cincinnati there is, of course, no such tax as that.

Mr. SHATTUC. Just a word more. In Cincinnati real estate, on an average, is taxed on a valuation of over 65 per cent, and on the income of bonds of the city of Cincinnati, selling at par and bearing 3 per cent interest, we pay 3 per cent tax.

Mr. GROSVENOR. And every time Cincinnati offers bonds for sale she gets a large premium.

Mr. SHATTUC. And none of them are sold in Cincinnati. They are all sold in New York or other points in the East.

Mr. GROSVENOR. The gentleman used some language just now which seemed characteristic of him. He said: "All the bonds and stocks that I return." I do not know why he uses just that expression.

Mr. SHATTUC. I noticed that the gentleman from Iowa [Mr. HEPBURN] prompted you to make that statement.

Mr. GROSVENOR. That shows the importance of concentrating the wisdom of the House on "trusts."

Mr. SHATTUC. I said just exactly what I meant. I thought you might "get onto" that yourself; but you did not.

Mr. GROSVENOR. Now let me go on.

Mr. SHATTUC. I will ask that your time be extended, if necessary.

Mr. GROSVENOR. The gentleman lives in a village—a very beautiful village—where large expenditures are made for schoolhouses and fine streets and other improvements. A great many people living there do business in Cincinnati, and it is sometimes convenient—I do not say that I know of any case of that kind—but it is sometimes convenient for a property owner to be in doubt as to where he ought to return his property. That is one of the difficulties we have had in the District of Columbia; and therein I think the people of this District have brought upon themselves a condition that justifies Congress in enacting and enforcing or seeing to the enforcement of some law that will bring in additional money needed for public purposes in the District.

We are all interested in that. We are not only interested in reducing the taxation where it falls too heavily, but we are interested in making this section of the country a little too warm to be a convenient place for a large number of gentlemen who from time to time have seen fit to hazard the doubtful question where they live so as to get rid of paying taxes anywhere.

Not very long ago, in the matter of a large estate, it was solemnly urged upon a judge of the United States court in Cincinnati that the trustee of the estate ought to be appointed in the District of Columbia for the reason that here no taxes would be levied upon the estate. That argument was made very seriously and very earnestly. But when he got through the judge said that he was not in the business of issuing orders for the protection of tax dodgers, and he very promptly appointed a trustee in the State of Ohio.

Mr. BROMWELL. As there has been some little question raised in regard to the tax paid in Cincinnati, allow me to say that I pay at the rate of 2.6 per cent on my property in the village of Wyoming, and on a farm which I own just below Cincinnati I pay, on a valuation of $500 more than I paid for the property, very nearly 2.5 per cent.

Mr. GROSVENOR. It will be seen that when one puts his money into a farm, even a Congressman can not get away from the taxgatherer. But in regard to personal property, we all know its remarkable transitory quality in the matter of taxation.

Now, all I appeal for is this: In the swinging of the pendulum the other way, let us not do that which will be injurious and unjust and which may produce reaction. I believe the people of this city are willing to pay a reasonable tax; but I should be sorry if this old enactment, which never ought to have been evaded as it was, should now be reenacted in gross without the opportunity for the people of the District to come before a committee of Congress and make known any criticism that they have to make in regard to it. They are very anxious on this subject, so far as I know.

Mr. McCLEARY. Mr. Chairman, the immediate question before us is the amendment by the gentleman from Maryland as to the method of appointing assessors.

Mr. GROSVENOR. Allow me to add that I am wholly opposed to that amendment. I think the bill as drawn is far better.

Mr. McCLEARY. Mr. Chairman, the question before us is this: Shall the assessors charged with the assessment of persoual property be appointed by the President or by the Commissioners of the District? Your committee recommends that they be appointed by the President. In so recommending, the committee means no disrespect to anyone; it intends no reflection on the present Commissioners or on the present assessors, all of whom are men of high character.

But the local feeling against a personal-tax law seems to have been for many years very strong. Fifteen months after the law of 1877 was passed, the Commissioners then in office, under the authority granted to them in the act of 1878 to consolidate offices, wiped out the officials provided for the assessment of personal taxes. The law granting the Commissioners this power to consolidate offices is still in force. Under it they would, in the judgment of your committee, be under great pressure to negative the law again. To remove from them this pressure, the committee has recommended that the appointment of the assessors be made by the President, who represents the entire country, from whose treasury one-half of the expenses of the District is paid. Therefore the committee hopes that the amendment offered by the gentleman from Maryland will be voted down.

Mr. BURKETT. Mr. Chairman, I desire to say just a few words with reference to this matter, about which there has been a great deal said in the press lately, and particularly since it has been suggested by the distinguished gentleman from Ohio [Mr. GROSVENOR]. Considerable talk has been had as to what the United States should pay for the running expenses of the District of Columbia and how much taxes this District should pay. We hear a good deal of complaint and a good deal of fault finding about the District of Columbia having to pay so much of the taxes. The people complain that they are compelled to help open up Rock Creek Park, and they complain that they ought not to help pay for the water system; they complain of a good many things they have to pay for, that Congress has laid upon them, as they say. I have been interested in looking this matter up to find out that there is another side to this question, and if we will investigate it we will find, and the gentleman from Ohio will find, that Congress has never been slow in paying her full proportion of the expenses of running the government of the District. Congress has paid for a great many things exclusively that would very properly be charged to the District.

I find that from 1878 down to 1892 the Freedman's Hospital, for example, was appropriated for entirely out of the revenues of the Government. The District did not pay any of it. I find also that from 1878 to 1896 the maintenance of the District of Columbia jail was paid for entirely out of the revenues of the United States Government, and if the District of Columbia had been required to pay one-half thereof, at the low average of $20,000 per annum, it would have amounted to a total of $280,000. I find also that from 1878 to 1893 the salaries of the supreme court in the District of Columbia, now costing about $30,000 a year, were paid out of the revenues of the United States Government, and at an annual charge of $15,000 for the whole sixteen years would have been $240,000. I find also, from 1878, the date of the organic act, until 1899, inclusive, Providence Hospital, now costing $19,000 per annum, was paid for solely out of the revenues of the United States Government, and that from 1886 to 1899, Garfield Hospital, now costing $19,000, was paid for exclusively out of the United States Treasury, and if the District's proportion during those years had been the low average of $8,000 it would have amounted to $98,000.

I also find that from 1878 to 1900, inclusive, there was paid for improving, policing, and for lighting all the city parks around the city, costing now more than $100,000 per annum, but at the

low average of $40,000 per annum for the District's share would have made a total of $920,000. And there is another thing that we will find the United States Government has paid for exclusively, as has recently been developed—a sum over and above the charge that has been made to the District, for caring for the insane persons and patients of the District, an amount that will aggregate, probably, as near as can be estimated, $500,000 that we have been undercharging the District of Columbia for caring for insane persons.

Another thing I desire to call attention to is that the United States Government has been paying every dollar of juror and witness fees for the courts here in the District of Columbia. The foregoing items will aggregate $2,589,000, that properly under the act of 1878 should have been provided for from District revenues.

We have also appropriated a sum total out of the United States Treasury of $2,359,000 on river and harbor bills from time to time. And for what? To reclaim the Potomac Flats, to clean out the lowlands and the miasma, and to better the condition along there; and that is for what? For the benefit of the people of the District of Columbia, but all paid for out of the United States Treasury. It has been suggested that I ought to state that 700 acres of land also has been reclaimed to the District as the result of that expenditure and dedicated for the purposes of a public park.

Now, we see in the papers and we hear complaints—and I speak of it now particularly because the gentleman from Ohio brought it out—that the people of the District are improperly charged, first, with a million and eight hundred and eighty thousand and odd dollars for the water supply of Washington; and yet we know that the water system was originally installed at the expense of the Government of the United States. But, sir, that water system is a matter of necessity for the people of the District, and yet through the press we hear them complaining about their having to pay half of the cost of subsequent extension and maintenance. Then there is the Zoological Park, something almost entirely and exclusively, we may say, for the use and enjoyment of the people of this District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from Minnesota may be extended five minutes. Is there objection?

There was no objection.

Mr. BURKETT. Well, I did not have a great deal more to say.

Mr. SIMS. Give the total of all that.

Mr. BURKETT. I have not the total here, but if there is no objection, when correcting my remarks, I will give the total of it and put a summary of all this matter into the RECORD.

Mr. SHAFROTH. I would like to ask the gentleman a question, as to whether or not in every city in the United States where street paving is done from two-thirds to the entire cost of the street paving is not assessed upon the abutting property owners, and as to whether that is the case in the District of Columbia?

Mr. BURKETT. It is not the case in the District of Columbia. As I suggested yesterday in my remarks, the joint fund of the Government of the United States and the District of Columbia pays entirely for the paving. The abutting property is not taxed at all for paving. It is taxed one-half for sidewalks.

Mr. SHAFROTH. Why should not the abutting property be taxed for a betterment of that character?

Mr. BURKETT. Well, the policy here has been to pay it out of the general fund.

Mr. SHAFROTH. Does it not arise from the fact that the National Government pays half, and that is the reason we have a different rule in this District from anywhere else in the country?

Mr. BURKETT. I think, perhaps, that has something to do with it; but I can say this to the gentleman, that in most cities where the abutting property pays for pavements you can not put a pavement down in front of a piece of property or in front of a block unless a certain per cent of the property owners in that block or district ask for it—two-thirds, I believe it is.

Mr. SHAFROTH. A majority usually.

Mr. BURKETT. That is the rule in my city, and I presume it is the rule in Denver, where the gentleman comes from. Now, here in Washington, this is our national capital. We control it and we do not want to have to go and ask the property owners if we can put a pavement down in front of their property. We are not in a position to do that as Congress, and if we are going to control this, it is probably better that we should put it down and raise the revenue for it by taxation.

Mr. SHAFROTH. Do you think the property owner should pay nothing for this direct improvement to his property?

Mr. BURKETT. Well, the property owner does pay his proportion of the one-half. Whether that is a proper division of the burdens or not I will not pretend to debate at this time, but I am really constrained to believe that the better way for us here, as we want to develop this city in our own way and in our own time, is to retain absolute control of the pavement question.

Mr. SHAFROTH. Do not other cities get paved in the same way? New York is well paved.

Mr. BURKETT. But we know that other cities do not get pavement put down where they want it, nor the kind they want in all cases.

Mr. SHAFROTH. They do not have it on the outskirts, and they should not have it on the outskirts, even in this city, if property does not justify it.

Mr. BURKETT. I submit, to be printed in the RECORD, a summary as I have mentioned before.

SUMMARY.

The following objects of expenditure now conceded and accepted as a proper charge on the Federal Treasury and the District revenues jointly under the act of 1878 were for many years subsequent to 1878 borne entirely by the United States Government, namely:

From 1878 to 1892, inclusive, Freedmen's Hospital, now appropriated for at $54,000, an average annual charge of only $26,000 on this account against the District for the fifteen years would amount to $375,000.

From 1878 to 1896, inclusive, maintenance and expenses of District of Columbia jail, now costing $48,000 per annum, an average annual charge of only $20,000 on this account for nineteen years would be $280,000.

From 1878 to 1893, inclusive, salaries, judges of the supreme court, now costing $30,000 per annum, an average annual charge of $15,000 against the District for sixteen years would be $240,000.

From 1878 to 1899, inclusive, Providence Hospital, now costing $19,000 per annum, an average annual charge of $8,000 against the District for twenty-two years would be $176,000.

From 1886 to 1899, inclusive, Garfield Hospital, now costing $19,000 per annum, an average annual charge of $8,000 against the District for fourteen years, would be $98,000.

From 1878 to 1900, inclusive, for improving, policing, and lighting city parks, now costing more than $100,000 per annum, an average annual charge against the District of $40,000 for twenty-three years would make $920,000.

It has recently been developed that the District has been undercharged for the care of her insane at the Government Hospital for the Insane by at least $70,000 per annum. The Commissioners acquiesce in if they do not concede this contention. An average for ten years on this account of only $50,000 would aggregate $500,000.

The foregoing sums aggregate $2,589,000. On river and harbor acts up to date the sum of $2,359,000 has been appropriated for the reclamation of the so-called Potomac Flats, resulting in the reclamation of a body of land of more than 700 acres that has already been dedicated as a public park for the District of Columbia.

Mr. COWHERD. I agree with the gentleman's conclusion as to the policy, but is not that still another argument as to the low rate of taxation in the District, that there is practically no special tax imposed here, whereas these special taxes are borne by property owners in nearly every other city in the country? It simply shows that while other people are paying 2 per cent or 3 per cent, they still, in addition to that, pay these special assessments. Here in Washington they pay a cent and a half, and do not have to pay any paving assessment. They get their ashes hauled out, they get their allies cleaned out, and all that sort of thing that in most cities we have to pay for in addition.

Mr. SHAFROTH. Do they not also get the benefit of having trees planted in front of their premises, and is there any other city in the Union that gets such an advantage as that?

Mr. BURKETT. There is an appropriation in this bill for trees in the District of Columbia.

Mr. McDERMOTT. The policy that the gentleman praises now is one that involves a hardship to everybody except the line owner. The abutting property owner is assessed in every other city except this by assessors who estimate the benefit to the abutting property owner by reason of the improvement, and the surplus, if any, is assessed upon the district or city at large.

Mr. BURKETT. Does the gentleman state that that is the way it is done in all other cities?

Mr. McDERMOTT. I know of no other city in which it can be done in any other way.

Mr. BURKETT. I presume in nine out of ten cities the amount that the paving costs is divided into ten equal assessments, and these assessments are taxed up against the lot under the law.

Mr. McDERMOTT. That is because the property owners do not test the law by going to the courts, because under the Federal and State decisions you can not take a man's property for nothing, and when you assess any improvement by linear frontage so much per foot, without regard to the benefits acquired by the property owner, you confiscate his property, and that proposition has never been submitted to any court in any State in this country that the assessment has not been set aside.

Mr. LOUD. I beg the gentleman's pardon. The supreme court of my State has determined that question.

Mr. BROMWELL. In the city of Cincinnati they assess half on the city and half on the property owner by linear feet, and without reference to the benefits.

Mr. McDERMOTT. Then that assessment is sustained on the idea that the linear property owner is benefited to that extent.

Mr. BROMWELL. That may be the theory, but that is the fact.

Mr. BENTON. I ask that the pending amendment may be again reported.

The amendment was again reported.

Mr. McCLEARY. Unless some other gentleman desires to debate the amendment, I ask for a vote.

Mr. MORRELL. Mr. Chairman, I should like to take exceptions to the remarks which were made by my colleague on the Committee on the District of Columbia in regard to the manner in which the business of assessing and carrying out the provisions of the tax law by the gentleman in charge of that bureau has been done. Now, I understand that Mr. Darneille, who is the gentleman probably referred to, has not only carried out the law, but he has gone further, and has attempted to carry out this law, which lacks something to make it operative to-day.

Mr. COWHERD. I hope the gentleman did not understand me to make any reflection upon the way the law had been enforced which was on the books?

Mr. MORRELL. I so understood you.

Mr. COWHERD. I certainly did not state my feelings clearly or the gentleman did not understand me. The statement I made was that the Commissioners of the District of Columbia were opposed to assessing a personal tax.

Mr. MORRELL. Yes.

Mr. COWHERD. And had opposed the passage of the bill—had opposed it in our committee. I did not intend to make any reflection upon the way the assessor had enforced the law now on the books.

Mr. GROSVENOR. Why do they not enforce the law that is on the books?

Mr. COWHERD. I could state that, but it would come out of the gentleman's time.

Mr. MORRELL. In answer to that, I would like to read from the report of the hearings before the Committee on Appropriations. On page 8, Mr. Macfarland, in answer to a question of Mr. BURKETT, says:

> I may say, at the request of Senator McMILLAN the assessor of the District has drafted the outline of a personal-tax law which will be effective, our former tax law having been within the last few weeks put on trial and within the last few days practically declared invalid by our supreme court of the District.

Mr. GROSVENOR. Does the gentleman know why it was declared invalid?

Mr. MORRELL. The report goes on as follows:

> Mr. MOODY. It has been declared invalid?
> Mr. MACFARLAND. Yes, sir; on the ground that a necessary cog in the machinery of assessment was lacking.

Mr. GROSVENOR. Who knocked out that cog?

Mr. MORRELL. That I do not know.

Mr. GROSVENOR. It is a matter of history that the action of the District Commissioners destroyed the machinery, and practically the law stands hung up in the air, as I understand. I ask the gentleman from Missouri if that is not true?

Mr. COWHERD. As I understand, there were formerly 12 district deputy assessors, 1 for each district. The Commissioners consolidated 3 offices, known as assessor, superintendent of taxes, and treasurer, and then Congress passed an act creating an assessor and 3 deputy assessors to assess real estate. That left nobody to assess personalty, and he has no power, at least, for personal assessment. That is my understanding of the matter.

Mr. GROSVENOR. And no one came to Congress asking for a change or to make any legislation, and so we have stood here for twenty years.

Mr. BENTON. And that was done by the Commissioners themselves.

Mr. GROSVENOR. That is what I understand.

Mr. COWHERD. That was done by the Commissioners, and the act of 1894 was an approval of it.

Mr. MORRELL. I can not understand that the Commissioners willfully in this amalgamation that took place left out the proper officer to assess this personal tax with the intention in their own minds in any way of doing away with this tax.

Mr. GROSVENOR. But they must have found out that it did when they found that no taxes were being assessed.

Mr. MORRELL. I presume they have found it out.

Mr. GROSVENOR. And they waited twenty years or upward while they did not complain about it, and they are now opposing revesting the machinery with activity.

Mr. MORRELL. I do not think the Commissioners are opposed to it. I would like to read from this report of the hearings before the House Committee on Appropriations. In that report the Commissioners say that they are in favor of this tax.

Mr. Chairman, I ask unanimous consent that I may print in the RECORD as a part of my remarks a portion of the hearings before the subcommittee of the Committee on Appropriations on the District appropriation bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. McCLEARY. The Commissioners have kindly come this morning to make a general statement of the plans and methods of the revision which they have been laboring on for some time, and we are ready to hear them.

Mr. MACFARLAND. Mr. Chairman and gentlemen of the committee, may I ask leave to present first, briefly, a general statement as to our financial situation, so that it may be a matter of record?

The present financial situation of the District of Columbia, which now faces an estimated deficiency in revenue on June 30, 1902, of at least $1,491,365.55, is due to the fact that the revenues of the District of Columbia for over ten years have been continuously diverted by Congress from the general expenses of the District to extraordinary expenditures, or extraordinary projects of improvement. The District had a surplus at the beginning of every fiscal year from July 1, 1889, to and including July 1, 1900, varying from $83,767.19 to $917,581.91, except on July 1, 1892, when there was a deficiency of $5,088.04, caused by extraordinary expenditures taken from the District revenues. In the period referred to $5,383,589.20 was taken from the general revenues for extraordinary expenditures. Of this amount, the sum of $1,426,777.12 was taken exclusively from District revenues to pay for the purchase of land for street extension, and the sum of $227,578.50 was taken exclusively from District revenues for miscellaneous purposes.

Besides these, large amounts, which of themselves are more than twice as large as the deficit in the revenues on the 1st of July, 1901, when the consequences of this method of appropriation became conspicuous.

Besides these amounts, $1,881,760.54 was taken for increasing the water supply; $1,120,473.04 in carrying out the sewage disposal plan, and $727,000 for the purchase of Rock Creek Park and the National Zoological Park, in each case, of course, to meet the one-half of the expense which had been charged to the District. The enormous appropriation for increasing the water supply was taken from the general revenues instead of from the revenues of the water department, notwithstanding the provision in the act of July 5, 1884, for advances from the Treasury to be reimbursed from the water revenues in twenty-five annual installments, with interest at 3 per cent per annum upon the deferred payments. If Congress had adhered to the "half-and-half principle" of the organic act of 1878 in providing for the street-extension purchases instead of charging them wholly to the District revenues, leaving the District to recover later what it could under the head of assessments for benefits, or if it had adhered to the provision of the act of July 5, 1884, in providing for the increase of the water supply, we should be facing a large surplus instead of a large deficit.

The Commissioners brought the financial condition of the District to the attention of Congress at the last session, with the recommendation that Congress should provide the necessary funds by general legislation for extraordinary expenditures and to meet the impending deficiency, so as to leave the current revenues of the District free for the current needs of the District government. The principle presented was that here, as elsewhere, all extraordinary expenditures should be especially provided for by anticipating in some way the revenues of the future, which would, presumably, share the benefit of the extraordinary projects. Congress accepted the recommendation of the Commissioners, and provided for the present fiscal year advances from the Treasury, to be repaid out of the revenues of the District, with interest at 2 per cent—these advances covering also the deficit in District revenues on July 1, 1901, which amounted to $716,155.38.

This provision, however, was but a makeshift. The time has come when Congress, it is believed, is ready to make a permanent arrangement adequate to the demands of the situation. It is obvious that it must be done by providing in some way for the anticipation of District revenues sufficiently to meet extraordinary expenditures without interfering with the current needs. This can be done, the Commissioners believe, most wisely either by continuing the advances from the Treasury, or by authorizing an issue of bonds to cover the District's obligations in the matter of these extraordinary expenditures.

The Commissioners understand perfectly, of course, that the legislation for this purpose must be matured by the Committees on the District of Columbia, and that the Committee on Appropiations has taken the ground that it can only appropriate or recommend appropriations to the amount of the estimated revenues. It is necessary, however, that this matter should be brought to the attention of the Committee on Appropriations, with the statement that the Committees on the District of Columbia are preparing to bring forward legislation designed to meet the need it presents. Knowledge of this fact makes it proper for the Commissioners to present, and for the Committee on Appropriations to consider in connection with the appropriation of the estimated current revenues, the necessities of the regular budget.

In presenting their estimates to Congress the Commissioners therefore desire to distinguish clearly between the items which should come under the head of extraordinary expenditures, and which, therefore, should be provided for in an extraordinary manner, and those which come under the head of ordinary expenditures and should be provided for out of the ordinary revenues. It would be manifestly improper, for example, for the Commissioners to recommend a cut of a million dollars in the appropriations for the regular District services, which would practically stop the wheels of the District government, in order to provide out of the current revenues of next year for the continuation of work on the filtration plant. Therefore the Commissioners, in complying with the courteous request of the subcommittee on Appropriations to point out the items in the estimates which can best be omitted or reduced, so as to bring the total sum within the estimate of revenue made by the Secretary of the Treasury, began unhesitatingly by picking out items for extraordinary projects of improvement to be set aside for consideration later on, when provision shall have been made by general legislation for such expenditures.

Even after doing this the Commissioners, in order to meet the subcommittee's wishes, have had to select a large number of items necessary for the ordinary improvement of the District of Columbia and to meet the ordinary growth in its current demands. The diversion of the District surplus to the extraordinary expenditures has prevented the District from receiving annually that increase in its regular appropriations which its natural growth has required, and it has, therefore, suffered in many of the departments of its work. If Congress had applied this money to current needs, appropriating, according to the spirit of the organic act, dollar for dollar from the National Treasury, the District services could have been properly kept up and the current needs of the District would not be so much in arrears as they now are.

Revenue estimate, District of Columbia, 1902.

Deficiency in the revenues of the District of Columbia June 30, 1901, in the event that the appropriations for the fiscal year 1901 are entirely expended, as follows:		
On account of street extensions	[a]$298,732.64	
On account of general expenses	417,422.74	
		$716,155.38
NOTE.—The amount of the actual deficiency as shown by the advances was but $220,182.57.		
Payments on account of street extensions to December 1, 1901, fiscal year 1902		[a]451,325.46
Appropriations chargeable to the revenues of the fiscal year 1902.		4,108,148.97
Total		5,275,629.81
Revenue, fiscal year 1902, based on the assessor's addition of the tax ledgers, and the estimated collection on account of miscellaneous items		3,784,264.26
Deficiency in revenue June 30, 1902, estimated		1,491,365.55

[a]NOTE 1.—The foregoing deficiency of $1,491,365.55 embraces [a]$750,058.10 advanced on account of street extensions, as provided for by the act of February 11, 1901.

NOTE 2.—The deficiency of June 30, 1902, may be increased by the following items:

(1) Appropriation for highway bridge across the Potomac River; District's one-half, $282,250.

(2) Extension of streets, etc., Sixteenth street, award now pending, charged wholly to the revenues, $729,952.29.

(3) Deficiency appropriations during the fiscal year 1902.

(4) Immediately available appropriations, fiscal years 1902, 1903.

Estimate of revenue by the Treasury Department, fiscal year 1903	$3,750,000.00
Commissioners' estimates of appropriations, fiscal year 1903, $10,441,481.97, one-half of which, payable from District revenue, is	5,220,740.98

The committee will understand from what has been said the method which the Commissioners took in regard to the revision of the estimates. Of course it is unnecessary to say that the Commissioners do not desire the omission or reduction of any item. Our estimates were made carefully. They were, of course, not the estimates submitted to us in the first place by our subordinates, but were cut down very considerably in order that they might come within reasonable bounds; but at the same time, as I have said before, the neglect of current needs in past years has made it imperatively necessary that we should ask for larger things than might have otherwise been necessary. The constant diversion in recent years of District funds from what we believe to have been the purposes for which they ought to have been used has prevented the District from receiving what is needed for current improvements and enlargements.

The gentlemen of the committee have in printed form, I believe, the revised estimates, but we have here a summarized statement of them all, showing where the estimates can be cut $2,947,431, which might be summed up as follows: Take the largest item first, which is under the head of the Washington Aqueduct filtration plant, $1,000,000, which we have cut out, for, while we believe it should be provided for, we think that it, with all other extraordinary projects, should be provided for by extraordinary means. The next largest item is for the high-pressure water service proposed for the business section of the city of Washington, $500,000; then the item for sewers, bringing them all together, either directly as a part of the sewage-disposal system or as an auxiliary to it, $705,000. Then in that same class comes the work of the Connecticut avenue bridge over Rock Creek, for which $100,000 was estimated.

Mr. MCCLEARY. Do you eliminate that?

Mr. MACFARLAND. Yes, sir; that is to say, with the suggestion that it is one of the extraordinary projects that ought to be deferred. Another large item which does not come under that head—there is where we stop so far as extraordinary projects are concerned—is for the compensation of clerks, overseers, inspectors, foremen, and other employees other than day laborers, who are employed under the authority of and paid from general appropriations and are engaged upon regular and continuous work, and whose services will be required during the fiscal year 1903, and who have been omitted from the revised estimates of the expenses for the support of the government of the District of Columbia for that fiscal year, $117,565. In making the estimates originally we estimated for per diem employees and left the lump sums out of which they had been paid as they were to meet the increases which ought to be made in the different services which they represented.

Now, we suggest that either this sum shall be deducted from the general appropriations, or if you prefer the system of paying the per diem men out of the general lump appropriations, simply continue the general appropriations as we have estimated. In either case $117,000 can be taken out. The other items are items in the ordinary expenses of the District of Columbia in each case suggested to us as preferably to be cut by the boards or departments under which they come. In the order in which they appear here we have streets; certain asphalt pavements which are desired on Seventh street between Pennsylvania avenue and E street and between G and K streets NW., $24,000; P street from Rock Creek to Twenty-ninth street, $11,500, and C street from New Jersey avenue to Fourth street NE., $17,500.

Next we come to the disposal of city refuse. There is a great desire—Commissioner Ross, who is in charge of the department, knows more about this than I do—for an extension of the service of the removal of ashes so as to take in miscellaneous refuse from hotels, apartment houses, markets, restaurants, and other business establishments, and we had hoped under that item of $35,000 to meet that desire, but under this stress we suggest the omission of that item. Here is a small item of a new hay scale for the Center Market, $450. The old one ought to be replaced, it having been in service a long time, but we leave that for another time. Under the electrical department there is an item for raising roof of fire-alarm headquarters, $4,500, which we suggest may be omitted. This is for the fire-alarm headquarters, where the men swelter in the summer nights, and days, too, for that matter, and where we believe a change should be made.

Under the head of public schools we very reluctantly suggest these omissions: For a public playground, $7,028; four-room building and site, seventh division, near Conduit road, $25,000; for reconstructing the Henry School, second division, for use of normal school, $22,500; for eight-room building, second division, in the vicinity of Henry School, $65,000 (those two are linked together) for purchase of lot to rear and west of Western High School, $7,000; purchase of lot adjoining Brent School, $8,300; purchase of parts of lot 5, square 796, for additional playground for Gidding School, $1,944. Gentlemen of the committee, I need not have to tell you that we do not wish to omit any of these.

Mr. BURKETT. Are not these on the same ground as the others—part of the permanent improvement?

Mr. MACFARLAND. They might be so considered; it might be proper to put all municipal buildings in the general scheme for extraordinary projects.

Mr. BURKETT. As I understand, you expect the District of Columbia Committee to bring a proposition for a bonded system or something of the kind to care for these things?

Mr. MACFARLAND. Yes, sir; I think there is no doubt, from the conferences we have had informally with Senator MCMILLAN and Mr. BABCOCK, chairmen of the two committees, that a scheme will be provided for all extraordinary projects and improvements, but what shape it will take we can not yet tell. Senator MCMILLAN has, I think, publicly, so there is no reason why we should not speak of it (and Mr. BABCOCK, I understand, takes the same position), stated that there should be an effective personal-tax law enacted in the District of Columbia which would provide additional revenue, and that may be one of the things which they will bring forward; but whether this is so or not, provision will have to be made toward anticipating even that revenue, and that we understand will be done. Both of those gentlemen believe their committees will be ready to do it. I may say, at the request of Senator MCMILLAN, the assessor of the District has drafted the outline of a personal-tax law which will be effective, our former tax law having been within the last few weeks put on trial and within the last few days practically declared invalid by our supreme court of the District.

Mr. MOODY. It has been declared invalid?

Mr. MACFARLAND. Yes, sir; on the ground that a necessary cog in the machinery of assessment was lacking.

Mr. MOODY. Is that opinion printed?

Mr. ROSS. It has been printed, and I will send you a copy.

Mr. MOODY. I would like to have it.

Mr. MACFARLAND. Last summer the assessor of the District made an assessment of personal property in a large number of cases, especially in order to bring this matter before the court. It was on one of these assessments that the case was tried. It was very fully discussed and so fully covered by the decision that the Commissioners thought it not worth while to take an appeal, for it was very evident to us, and especially Commissioner Ross, the legal member of the board, that it would not be worth while to take an appeal. So that is the situation as far as that is concerned.

Mr. BENTON. Can such a tax law be of service to the District this year?

Mr. MACFARLAND. No, sir.

Mr. MOODY. You assess taxes on the 1st of May?

Mr. ROSS. They are assessed in the summer, between July and September.

Mr. MOODY. But are they assessed as of the 1st of May?

Mr. ROSS. The taxes are payable in the latter part of May.

Mr. MCCLEARY. Is there not a tax date at which the value is considered?

Mr. ROSS. My impression is under the old law it was during the summer months—that they are assessed between July and September.

Mr. MCCLEARY. The actual assessment, but it must refer to some tax date, because a man may have changed his property from one place to another.

Mr. MOODY. In our State the assessors begin their work the 1st of May and continue until the 1st of September, when the tax bills are sent out, but the date selected as the day of assessment is the 1st of May, and that of course has to be so in order to determine the question of residence.

Mr. MACFARLAND. I had understood that was the date.

Mr. MOODY. Of course it would not be possible to do anything until the taxes of the next fiscal year.

Mr. MACFARLAND. Yes; and I think the gentleman will have to consider for the next fiscal year some extraordinary means must be provided. It is perfectly evident from the statement of our financial situation that we put before you the estimated deficiency on July 1 next is $1,491,365.55 without counting the possible payments for the awards for damages on Sixteenth street, for the purchase of land for the extension of Sixteenth street, which is $729,932.29, and of course without counting the deficiency appropriations which may be made in this fiscal year and any appropriation which might be made for the highway bridge across the Potomac River. I do not believe this is likely, because the board of Army engineers has reported that the project must be revised and a larger estimate of cost must be made, so I take it we will not be called upon for our half of that. Possibly our proportion of $150,000 a year of the amount provided last year for the Baltimore and Ohio terminal may be required. It was not required the 1st of last July, but simply passed over, and therefore I presume on the 1st of next July we will be in debt $300,000 under that act.

Now, if you will allow me, I will go on with these items and finish them. Under the head of police department we suggest the omission of the item for the erection of a station house and stable in southeast Washington, on site of the present fifth precinct, $30,000. That is a matter we have brought to the attention of Congress frequently. It is very much needed; but if we must cut, this seems to be the thing we can best spare in regard to buildings. Also, the item for rent of building to be occupied temporarily during the construction of the new fifth precinct station, $900, and also—and this is a thing that we give up most reluctantly—25 policemen, class 2, $27,000.

Now we come to the fire department. This is especially interesting to me, because it is immediately under my care and has been unquestionably neglected by Congress in the past—for example, in its pay, which is below normal, because in these years when we have been paying out of our revenues these large sums it has not been kept up.

Mr. BURKETT. You did not take out the new police station here?

Mr. MACFARLAND. Yes; that is $30,000.

Mr. BURKETT. I thought that was the southeast one; have you not got in here an item for a new police-court building?

Mr. MACFARLAND. Simply for the plans for that; that does not come under the police department. However, we make these suggestions as to the fire department——

Mr. MCCLEARY. I must confess, after witnessing the splendid display you gentlemen made of the fire department a week or ten days ago, I was impressed with the efficiency rather than the deficiency of that department.

Mr. MACFARLAND. It is very efficient for its size, but it is very deficient in comparison with the extent of the territory it has to cover. Later on I shall be very glad to bring up a map which we have, which shows the distribution of these companies and how very meager the service is compared with the 70 square miles it has to cover. You gentlemen must remember that this territory is unusually large. In this publication of Col. Carroll D. Wright, the September (1890) bulletin of the Bureau of Labor Statistics, which is very instructive in some points, giving the comparative statistics of municipalities of 30,000 population, including the area of the different municipalities, the District here, or rather what is called the city of Washington, which extends all over the District, is very much larger——

Mr. MCCLEARY. What publication is that?

Mr. MACFARLAND. It is the September bulletin of the Bureau of Labor Statistics. Congress in 1898 directed the Commissioner of Labor Statistics to furnish each year the comparative statistics of the municipalities of over 30,000 inhabitants, and for the last three years he has done that.

Mr. MOODY. Does that include indebtedness, rate of taxation, and all points of comparison?

Mr. MACFARLAND. It contains everything; it is very comprehensive and

very interesting, and as I have studied it it puts the facts in a very favorable light for the District of Columbia.

Mr. McCLEARY. It is an arsenal for you?

Mr. MACFARLAND. Yes; I think it could be used that way.

Mr. McCLEARY. People who rest their contention on rock proof may fear no trouble.

Mr. MACFARLAND. I think we have nothing to fear. The items of the fire department we suggest may be deferred are: First, increases in pay and increase in amount of pay for proposed new companies now to be omitted, $80,040; house and site, southwest Washington, $25,000; house and site, northwest $30,000; house and site, northeast, $25,000; house etc., chemical engine at Good Hope, $15,000; school for fire department, $5,000——

Mr. McCLEARY. What is that?

Mr. MACFARLAND. A practice school, such as they have in New York and other cities, where the raw recruits are given actual practice before they go into active service. It would be a small building especially fitted up for the purpose, and they would be put through a course there which would prepare them for their duties. The next item is three engines, $15,000, for the three new houses; three combination engines, $5,400; one chemical engine, $2,500; one truck, $3,500; net reduction miscellaneous items, $8,000, making a total of $214,440. Now, health department, purchase of site for isolation buildings, $10,000; erection and equipment of isolation buildings, $10,000. These buildings are now rented, and this is to take the place of them. Under the head of care of the insane at the Government Hospital for the Insane—that is, the insane of the District who are boarded there—we suggest the possible omission of $65,000, which is the additional amount that the institution and the Secretary of the Interior, who has the administration of it, desire now to collect on District patients. It has been claimed now that the District has been paying too little for the maintenance of its patients there and that it ought to pay $65,000, and we submitted that estimate in the estimates of the board of charities practically at the request of the Secretary of the Interior.

Mr. McCLEARY. And you submitted it as a separate item?

Mr. MACFARLAND. Yes, sir; with the estimates of the board of charities; but the present arrangement has gone on for a number of years, and it might seem in the wisdom of Congress it might go on for another year. We simply suggest that because——

Mr. McCLEARY. That is one of the things you think you can dispense with without prejudice?

Mr. MACFARLAND. In other words, we have no great interest in it.

Mr. BURKETT. I do not quite understand where you make the saving; you say the District does not pay for the keeping of the insane?

Mr. MACFARLAND. The District has been paying a certain amount for the support of the insane at the Government Hospital for the Insane. Now, the new superintendent has suggested to the Secretary of the Interior that we have not paid enough and that we ought to pay more.

Mr. BURKETT. What have you been paying it out of—the general fund?

Mr. MACFARLAND. No, sir; from the appropriation each year of so much for the support of the District insane in the Government Hospital for the Insane. It is our only insane asylum, and all the indigent insane of the District of Columbia must go there.

Mr. BURKETT. It is one-half paid out of the Government funds and half out of the District fund?

Mr. MACFARLAND. Yes, sir. We pay board for these people, but the Government pays half of this and we pay half of it.

Mr. BURKETT. Instead of making the District stand it you make the Government stand it, and if their pay is $65,000 short the Government can stand that another year?

Mr. MACFARLAND. It has been going on for years and it may be that it is a proper charge. I do not remember the details of the estimate on their part, but I think they claim sufficient attention was not given to working out the actual cost before.

Mr. McCLEARY. In other words, this omission you contemplate with complacency?

Mr. MACFARLAND. Yes, sir; it is the only one on which we look in that way. Gentlemen will see we have not hesitated to apply the knife to the estimates for our current needs. We have done so in every case on the advice of the boards and department chiefs under us. In other words, besides the large projects, we found it necessary in order to come within the desire of this committee to cut very considerably our——

Mr. MOODY. Your estimates you have brought down within the possibilities of appropriation?

Mr. MACFARLAND. Within $7,500,000, which was the estimate of the Secretary of the Treasury for the revenues for the next year, and which may or may not turn out to be correct. For example, the assessor of the District of Columbia says if Congress should pass a bill which has been introduced allowing the payment of arrears of taxes with only 6 per cent penalty, he believes that something like $500,000 would be paid in next year. That of course would be in addition to any estimate made heretofore of what the revenues would be. Then, gentlemen must remember, if we had this money which was diverted in these extraordinary expenditures we should have a very large surplus on which we could call, or rather that we wish it had been spent from time to time in improvements, so we might not now have the difficulty which confronts us.

Here is a statement in detail of the surplus or deficit at the beginning of each fiscal year from July 1, 1889, to December 1, 1901, and extraordinary expenditures for the same periods paid wholly or in part from District revenues, which I desire to submit:

Statement showing the surplus or deficit at the beginning of each fiscal year from July 1, 1889, to December 1, 1901, and extraordinary expenditures for the same period paid wholly or in part from District revenues.

Date.	Surplus revenues.	Deficit in revenues.
July 1, 1889	$512,958.11	
July 1, 1890	105,512.53	
July 1, 1891	112,210.64	
July 1, 1892		$5,088.04
July 1, 1893	83,767.19	
July 1, 1894	625,207.74	
July 1, 1895	429,090.99	
July 1, 1896	845,335.93	
July 1, 1897	683,936.80	
July 1, 1898	917,581.91	
July 1, 1899	603,255.28	
July 1, 1900	387,577.18	
July 1, 1901		716,155.38

EXTRAORDINARY EXPENDITURES.

Fiscal year.	Increasing the water supply.	Purchase of parks.	Paid wholly from District revenues.	
			Street extensions.	Miscellaneous.
1890		[a] $100,000.00		
1891				[b] $3,000.00
1892		[c] 150,000.00		
1893		150,000.00		[d] 90,000.00
1894		159,000.00	$10,000.00	
1895	$300,000.00	177,000.00	22,500.00	
1896	300,000.00		17,991.00	
1897	300,000.00		121,686.00	
1898	83,921.38		16,000.00	
1899	297,210.50		250,576.03	[e] 134,578.50
1900	100,000.00		235,465.99	
1901	169,517.17		301,232.64	
1902	331,111.49		451,325.46	
Total extraordinary expenditures	1,881,760.54	727,000.00	1,426,777.12	227,578.50

[a] National Zoological Park.
[b] Bathing beach.
[c] Rock Creek Park.
[d] Grand Army encampment.
[e] Northern Liberty Market claims.

NOTE 1.—It is apparent from the foregoing statement that during the period covered thereby the revenues of the District were more than sufficient for ordinary demands, and that the present shortage is due to summary drafts for expenditures extraordinary both in purpose and amount.

The sum of $1,426,777.12 for street extensions was paid wholly from District revenues, and the further sum of $1,881,760.54 for increasing the water supply was paid out of the general fund instead of being charged against the revenues of the water department. Leaving out of the account, however, the amount thus paid for street extensions and the equitable liability of the Government for one-half thereof, if the sums making the aggregate of $1,881,760.54, expended for increasing the water supply, had been advanced by the Treasury and reimbursed from the water fund in 25 annual installments, the arrangement would have been fair to the United States, and the District would show a large surplus instead of a deficit in its revenues.

NOTE 2.—In addition to the foregoing there have been expended on account of the sewage-disposal plan $520,473.04 for completed work, and in round numbers $630,000 for work which is still in progress; total $1,120,473.04.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was disagreed to.

Mr. McDERMOTT. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the amendment "all property assessed by such assessors shall be assessed under uniform rules and according to true value."

Mr. McDERMOTT. Mr. Chairman, my attention has been called to the discrepancy in the assessments in this city. In some cases property is assessed at 100, in other cases at 110, and in other cases at 60, at 30, and even 20 per cent of its true value. The gentleman from Tennessee called my attention yesterday, as an offset to a case I had illustrated with, to a case where the assessed value of the property was about 20 per cent of what it was sold for at a private sale. Of course what property brings at condemnation or public sale affords little criterion for its true value, but while the statute provides that the assessors shall assess according to value, and, theoretically, it is assessed at 100 per cent, yet we have had the statement made several times that it is assessed at 65 per cent. The truth is that there is no rule of valuation in the District of Columbia. There should be a rule. I know that wherever you elect your assessors, men who have voted against the assessors on election day are liable to find their property suddenly enhanced in value. Here we appoint the assessors.

What I want is this: You have an appeal here the same as you have in any other municipality, and that appeal is on the value of the piece of property that is brought before the commissioners. The commissioners of appeal will require you to prove that your property is assessed for more than 100 per cent. They do not have before them the entire assessment, and they do not deal equitably with the whole assessment, but with that individual property owner and the piece that he complains of. What I want is that they shall act, in their investigation, upon the question, Is all the property assessed according to the rule? What is that rule? To-day there is none. If you are assessing the real estate at 65 per cent of its market value, well and good. It is no matter whether you assess the property at 10, 20, or 60 per cent, if you assess all alike.

Mr. BURKETT. What does the gentleman understand that a board of equalization is for, if it is not for that very purpose?

Mr. McDERMOTT. It is absolutely impossible for a board of equalization to equalize taxes on individual pieces of property. What they may deal with is sections. You have a county board of equalization——

Mr. BURKETT. The board of equalization may deal with every piece of property.

Mr. McDERMOTT. But I want them to deal with it under a rule.

Mr. BURKETT. The very word "equalization" provides that it shall be according to a rule. If two men own property alongside of each other and A is assessed for $6,000 and B is assessed for $5,000 and the property is presumed to be of the same value, A comes before the board of equalization and says, "My property is assessed $1,000 more than my neighbor, B, and it is worth the same amount."

Mr. McDERMOTT. That equalizes the taxes of those two men. But if the gentleman will study this question of taxation a little further he will find that right here is one of the great troubles of taxation in all sections of the country. When you have equalized the taxation of A's property and B's property, you have not equalized the taxation of A and B in relation to all the relatables in that district.

Mr. BURKETT. The business of the board of equalization is to equalize the taxation of all the property in that community where the owners make complaint.

Mr. McDERMOTT. I understand that; but they deal with specific cases. How many of such cases are there in your district? Take your own tax board of appeal. I venture to say that not one out of every thousand people who are taxed in your district appeal to that board.

Mr. BURKETT. Certainly not; but everyone who does appeal gets a hearing.

[Here the hammer fell.]

Mr. BENTON. Mr. Chairman, the law to which the amendment offered by the committee seeks to give virility affords an opportunity for an equalization of the assessed values of property. The board of assessment, after assessing the property, are required by law to give notice to the taxpayers interested, any of whom are entitled to come in and show that they have been unfairly dealt with by the assessors.

The amendment proposed to the committee amendment by the gentleman from New Jersey would be a fruitful source of litigation. Men may come in continually and say, "My property is assessed higher than its true value, while that of my neighbor is assessed below its true value." Thus there will be created a hotbed of litigation. I hope the amendment to the amendment will be voted down.

Mr. McDERMOTT. Let me ask the gentleman a question. Suppose that the property of A in the city of Washington is assessed at 40 per cent of its market value, while the property of B in the same city is assessed at 80 per cent of its market value. What is the remedy of the man who thus suffers from having his property valued at a higher rate than that of his neighbor?

Mr. BENTON. He can come before the assessors and show the facts.

Mr. McDERMOTT. But what is the result of his doing so?

Mr. BENTON. If the assessors are honest they make an equalization between those two men.

Mr. McDERMOTT. Between A and B?

Mr. BENTON. They make an equalization as to all the people affected.

Mr. McDERMOTT. In order that that might be done there must be a review of the assessment of every single piece of property in the city of Washington.

Mr. BENTON. It is the duty of the board to make such an assessment.

Mr. McDERMOTT. That would be impossible.

Mr. BENTON. It is their duty to go over all the assessed property and see that no such inequalities exist.

Mr. McDERMOTT. My object in introducing this amendment was that there might be an equalization of all the property—to provide that this equalization be obtained in the first instance by the assessors making their assessment under uniform rules. Take the case of a man whose property we will suppose has been assessed at 20 per cent of the actual value. Suppose I, his neighbor, go and make complaint that my property has been assessed at 60 per cent of its actual value. What can the board of equalization do? Can they find out what all the property in the city of Washington has been assessed at and then undertake to equalize the whole assessment? That is an absolute impossibility. They may say, "Here is A's property assessed at 20 per cent of its value and B's property assessed at 60 per cent; we will strike an average and make the assessment in both cases 40 per cent." Will such a proceeding establish a rule of assessment? Absolutely, no. It will simply settle something in those individual cases; it establishes no rule of assessment.

Now, what I want is this: That the assessors when called before the board of equalization shall be able to say, "We assess property upon a uniform rule, at a certain percentage of the market value—say, at 65 per cent." Then every man whose property is assessed at over 65 per cent can come in and say, "Your rule has been violated. That is what I complain of; not that the particular property of A or B has been improperly assessed." If there is a uniform rule, the citizen will have the right to insist that the rule be uniformly followed. The want of conformity to a uniform rule in this respect is one of the troubles in this city, as it probably is in every other city. But unless you have a uniform rule, according to which all property is to be valued, every individual citizen is subject to the vagaries of the assessor.

The question being taken on Mr. McDERMOTT's amendment to the amendment, it was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Minnesota [Mr. McCLEARY], a member of the Appropriations Committee.

Mr. MUDD. Mr. Chairman, I move to amend by striking out the last word. I do not feel called upon in any particular sense to rise here in defense of the Commissioners of this District; but there have been made one or two remarks in this discussion which, in my judgment, place those officials in a false light, and which I think ought not to be permitted to pass without notice. From some of the remarks made here this morning it might be inferred that the Commissioners of the District of Columbia are opposed to a personal-tax law, and were in some way endeavoring to prevent the passage of such a law. That is not the fact. On the contrary, they prepared a bill for making provision for such a tax, which bill I understand has been for some time pending before the Senate committee. Whether reported yet to the Senate I do not at this moment recall, but that bill has been under consideration by the committees of both Houses.

Mr. COWHERD. Is it not a fact that at least two members of the Board of Commissioners appeared before the committee last year, and that the president of the Board made a statement that they did not think personal property ought to be taxed in the District of Columbia.

Mr. MUDD. Well, I am not going back to ancient history. I am not now looking after last year's birds' nests. I know that these Commissioners have prepared a bill and the gentleman from Missouri [Mr. COWHERD] has been assisting in the consideration of that very bill prepared by those Commissioners this year and submitted to this Congress.

Further than that, Mr. Chairman, it would be supposed from the discussion here that these Commissioners had in some way connived at or given their approval of the abolition or destruction of the machinery by which this personal-tax law was intended to be put and kept in operation. That is far from being the fact. The truth is, and the whole of the truth is, that in 1878 the Board of Commissioners that were then in existence, by the abolition of some offices—not a very bad thing, I submit, to be done by the Commissioners of the District of Columbia—and by the consolidation of some offices took a step which Judge Clabaugh decided, less than a year ago, to have destroyed this machinery. These men acting at that time did not mean to destroy the machinery, because they went on in the exercise of the powers given under the bill which the machinery was to put in force, and it was not until about the latter part of last year that Judge Clabaugh's decision was rendered, when for the first time it was ascertained and judicially declared that the machinery was ineffective or did not exist.

Mr. GROSVENOR. Were they collecting a tax on personal property until about a year ago?

Mr. MUDD. Yes; up until about a year ago.

Mr. GROSVENOR. How much money was collected, we will say, for 1900 on personal property in this District?

Mr. MUDD. I am not contending that this act was carried out very vigorously or very successfully, but I am contending this, that the fact they did collect taxes shows that the Commissioners never intended by their act of consolidation to destroy the machinery which was intended to have collected the taxes.

Mr. GROSVENOR. Then the machinery was broken, and the Commissioners did not find it out.

Mr. MUDD. The machinery was broken about twenty-odd years ago before the present Commissioners were heard of as such, or were thought of as probable incumbents of the positions they now occupy.

Mr. GROSVENOR. Oh, well, the other Commissioners.

Mr. MUDD. Well, it would seem that the effect of the act done twenty years ago was to destroy that machinery, but that effect was not declared or known in this District until Judge Clabaugh's decision rendered less than a year ago.

Mr. GROSVENOR. Then I assume they were collecting taxes under it.

Mr. MUDD. They were.

Mr. GROSVENOR. To what extent?

Mr. MUDD. I do not know; I can not say that, but they were collecting taxes. So far, therefore, as it may appear to be the purpose to charge the present Commissioners with any manifestation of hostility to the enactment by this Congress of a personal assessment law, the charge would be absolutely groundless. It

might be further stated also, as negativing the intimation that the Commissioners who were in office in 1878 meant to nullify the provisions of the law for the collection of personal taxes, that their act of consolidation of the offices of assessor and treasurer, which Judge Clabaugh held to destroy the necessary machinery for the collection of such taxes, had the same effect as to taxes on realty as upon those on personalty.

Now, it is not to be thought for a moment that these men or any other men in their position would deliberately take a proceeding that would end the collection of all taxes in the District of Columbia. Judge Clabaugh held that the act of Congress of 1892, amended by the act of 1894, repaired or replaced the machinery for the collection of taxes on realty, but omitted to do it with reference to the taxes on personalty. So that the defect in the status of the law, for the first time made manifest by this decision, would seem to be chargeable to Congress as much as, if not more than, to this old Board of Commissioners.

Now, one other thing. From the general tenor of the remarks of the gentleman from Nebraska [Mr. BURKETT] yesterday they would seem to convey the impression that the Commissioners had subjected themselves to complaint and to criticism for requesting here an unreasonable expenditure in the face of the amount of revenue at their disposal, and this ought to be said in that connection, that the Commissioners of the District of Columbia in asking this year for, if I am not mistaken, some extraordinary expenditures expected the revenues to be provided outside of the usual channels and in an extraordinary way, and they have always represented, so far as I know—they certainly have to our committee—that if those expenditures were provided for they would expect Congress, and in the exercise of their duty and their legitimate functions under the law would ask Congress, to provide for the requisite additional revenue, either by a personal-taxation bill or by a further advance out of the National Treasury.

I make this statement because I think it ought to be made in justice to the District Commissioners. They have done their duty and nothing outside of their duty in this matter. They have recommended some extraordinary expenditures of pressing and urgent importance, in response to an almost universal popular demand. They have asked Congress to provide the extraordinary revenue to meet these requirements and suggested the means of doing so. It is for Congress to determine just what action it shall take.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BELLAMY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after the last word of the committee amendment the following:

"Any person who shall be a bona fide resident of the District of Columbia and liable for the assessment for taxes and who shall, after having been notified in writing by the assessors, unlawfully and willfully refuse to return the schedule of his property as required by the act, being chapter 117 of the Statutes at Large, ratified March 3, 1897, shall be guilty of a misdemeanor, and punished by a fine of not less than $1 nor more than $1,000, in the discretion of the court, provided said notice shall be given at least ten days before the time for returning the said schedule shall expire."

Mr. BELLAMY. Now, Mr. Chairman, I am in hearty sympathy with the committee amendment, but unless there be a provision inserted in it, a compulsory provision, requiring the owner of personal property in the District of Columbia who owns no real estate and no tangible personal property, to return it, the committee amendment would be totally inefficient. It is a well-known fact, Mr. Chairman, that all through the United States there are citizens who have acquired either through personal exertion or by inheritence large sums of money in the places where they do actually reside, who fail to give in their taxes there because they claim they are residents of the District of Columbia.

I have seen in the papers from the town in which I live, this morning, where a resolution was yesterday introduced into the city council requiring the city attorney to see if there can not be devised some plan to cause the assessment of nearly $1,000,000 worth of personal property which escaped taxation in that town, by reason of certain residents flocking to other places and claiming to reside there, while they do business in, possess homes, and have all the habiliments of residents of that city. It is well known that these people, when they get to Washington, spend a day or two at a hotel, claim Washington as their residence, give in no property for taxation here, and none for taxation at their homes. There ought to be some machinery, some means to get at that class of citizens. Washington has really become the Mecca of the tax dodger, and there ought to be provided some plan of reaching those men who claim to reside here in order to escape taxation in their true homes and actual places of residence.

Now, Mr. Chairman, if this amendment is adopted it will be carrying out a provision similar to that which is contained in the laws of many of the States of the Union. I was informed this morning by my friend Governor POWERS, of Maine, that in that State if a man liable for personal-property taxes failed, after being notified to do so, to return his property for taxation within twelve days he is liable to be fined and jailed for a misdemeanor, and is only allowed to take the insolvent debtor's oath to escape the tax. That provision is similar to many that exist in other States in the Union, and I do not see why it should not exist here. It is as much the duty of a man to contribute to the expenses of his government by taxes as it is in time of war to serve his country in the army.

Mr. McDERMOTT. I wish to suggest to the gentleman that the most efficient means of providing for the case that he illustrates is to allow the assessor, in case no return is made, to assess the personal property at such sum as he may fix, and this prevents the delinquent who has not made his return from appealing from the amount so assessed. That was the original idea of the income-tax law during the war. It has been ingrafted upon the laws of many municipalities, and has been found excellent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDERMOTT. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. POWERS of Maine. I desire to make a suggestion. I think the gentleman did not exactly understand me. In the case of the personal tax in Maine, if, after twelve days' notice from the collector that the party should pay it, he does not do so, he is not fined, but is subject to arrest and commitment to jail, to be released therefrom by a disclosure under the poor debtors' act.

Mr. BELLAMY. So the provision that I have inserted in this amendment is even more liberal to the residents of the District than is the law of Maine to its residents. But to reply to the gentleman from New Jersey [Mr. McDERMOTT]. He says that the assessors can assess against the individual whom I have mentioned, the tax, with 50 per cent additional for the failure to return it, against any property that he may own. Now, I ask him, how is it possible for the assessor to ascertain what property that man owns, when it is invisible and intangible? And where do they find the property against which to assess the tax, much less the penalty of 50 per cent?

Mr. McDERMOTT. The law would make the estimate of the assessor beyond appeal, no matter what figure he fixes it at.

Mr. BELLAMY. From what will you collect it?

Mr. McDERMOTT. If the man has no property, there is no use in assessing him. You would collect it the same as you would any personal tax.

Mr. BELLAMY. But if the individual has no tangible personal or real property here?

Mr. McDERMOTT. Then you can not collect anything from him.

Mr. BELLAMY. The purpose of this amendment is to make that man return his taxable property, and if he does not do so to make him subject to a penalty. It is easy enough to get at the individual.

Suppose, for example, a man claims Washington as his home, and he is really a resident of North Carolina. Suppose he is from the city of Wilmington, from which I come, and claims he is a resident of Washington. You can easily find that he has not listed his taxes in Wilmington. If he has not then he is liable for his taxes here, and if he fails to return them here the assessor can have him indicted for a misdemeanor for failing to make a return. It is as much a part of his duty to bear the expense and the burdens of this Government as it is the duty of the man who has a little home and a little tangible visible property. He is better able generally to bear the expense, because of the value of his property, and I contend that an amendment of this kind is absolutely necessary to make this committee amendment effective, so as to get at the taxable personal property. No good citizen ought to object to such a statute, when it simply compels him to discharge an honest public duty to his country.

The system of taxation existing in this District is abominable. The very idea of having a rate of $1.50 on the $100 valuation, inflexible and unalterable! A just system would require first to find out the amount of the taxable property, then the amount of

taxes desired to be raised and then make your levy of such a per cent as is necessary to raise the amount. And again, too, we have been informed that for twenty years in this District, although the law requires the levy to be made on real and personal property alike, that all stocks of goods, furnishings of hotels, and similar property has never been required to be given in by the taxpayer. A large department store in Washington having over $100,000 of stock does not pay a cent of ad valorem taxes. This is a great wrong and injustice to the owner of real estate.

Mr. MORRELL. Mr. Chairman, the gentleman from Illinois asked me a question a few minutes ago in regard to why the Commissioners had not, previous to the present day, made some effort to have an officer appointed to assess and collect this tax. I should like to read from the hearings before the subcommittee of the House Committee on Appropriations for 1900, on the collection of personal taxes:

Mr. ALLEN. Did you notice some remarks on this question in regard to the failure to collect taxes on personal property in the House on Saturday?

Mr. WIGHT. Yes, sir; I saw a reference thereto made by Mr. Moody.

Mr. ALLEN. Mr. Moody and Mr. COWHERD. Mr. COWHERD said that it had been stated to the District Committee that taxes were not collected on personal property because the District did not have any use for the money.

And that is probably the reason why the commissioners did not bring in a bill to provide for the officer to collect this personal tax, simply for the reason that the District did not need the money at that time. The Chairman goes on:

The CHAIRMAN. That was a year or two ago, when you were flush.

Mr. ROSS. We have recently had a commission to revise the whole subject of taxation, and the Commissioners are now considering that revision, which will make the collection of taxes on personal property much more complete than heretofore. There have been defects in that law.

The CHAIRMAN. Are the defects in the law or in the machinery?

Mr. ROSS. In the law itself.

The CHAIRMAN. The present machinery is sufficient to collect the taxes if the assessment was made, is it not?

Mr. ROSS. It will be difficult to enforce the collection of them.

Mr. BENTON. For what reason?

The CHAIRMAN. To enforce the collection or the assessment?

Mr. ROSS. The collection. I would like to have the assessor state in regard to that.

Mr. H. H. DARNEILLE (assessor, District of Columbia). The defects in the law are that, as it stands to-day, it requires a board of assessors, which is not in existence, to prepare and have printed blanks and schedules and publish in the newspapers a certain number of times information as to those notices. That board being out of existence, if we were to go into court to prosecute a delinquent the court would throw the case out on that ground alone.

Mr. BENTON. That is when you try to enforce collections?

Mr. DARNEILLE. Yes; and in the collections it is equally as bad.

Mr. MORRELL. Now, Mr. Chairman, that is just exactly the point.

Mr. McDERMOTT. Does the gentleman think that the Commissioners did not have intelligence enough to go on and levy the assessment and then come for the confirmatory act of Congress? That is what would be done, it seems to me, by any other body where they were authorized to tax—first to make the levy, and then furnish the office to cure the defect in the mere matter of procedure.

Mr. MORRELL. I am going on to show that. Immediately after this hearing, in 1900, Mr. Ross prepared a stringent personal tax bill, which was carried, according to Mr. Darneille's statement to me, to General Grout, chairman of the subcommittee of the Committee of the District of Columbia. What came of that I do not know, but this shows that the Commissioners, instead of being opposed to such a bill in 1900, prepared a bill and had the bill taken by the assessor of the District to the chairman of the subcommittee. That was in 1900. In January 29 of this year——

Mr. COWHERD. If the gentleman will permit me, I will state that there was a change in the Commissioners, and that bill never was perfected.

Mr. MORRELL. The bill was prepared by the Commissioners.

Mr. COWHERD. The bill was prepared by the Commissioners, but about that time there was a change in the Board of Commissioners; one of the Commissioners went out and another Commissioner came in, and the bill was withdrawn and never again presented. Afterwards I got a copy of it from a newspaper.

Mr. MORRELL. My information was that the bill was drawn by Commissioner Ross and carried by Mr. Darneille personally to the chairman of the committee, which showed conclusively in the year 1900 the Commissioners were interested in having such a law.

Mr. COWHERD. The information I am trying to give the gentleman—and I got it from the clerk of the District, as I remember, when I wanted to see what had become of that bill—is this: I was told that it had been withdrawn on account of the fact that there had been a change in the personnel of the Commissioners, and I got a copy from the newspapers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I should like to ask leave to print a letter of January 29, 1902, addressed to the Hon. JAMES MCMILLAN, chairman of the Committee on the District of Columbia of the Senate, and signed by Hon. H. B. F. Macfarland, in which he states his views in regard to the matter.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the letter which he has referred to.

Mr. BENTON. I object.

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. BENTON. I move that all debate close on the amendment of the committee.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota representing the Committee on Appropriations.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That hereafter when differences arise in the rendition, examination, or settlement of the accounts of the disbursing officer of the District of Columbia which would seem to render necessary the suspension or disallowance of any item in said accounts, the Treasury Auditor shall notify the auditor of the District of Columbia, who shall be authorized to present in explanation such facts or arguments as may, in his opinion, tend to the prevention or removal of such suspension or disallowance. When the auditor of the District of Columbia is in doubt as to the legality of an account or voucher for payment upon which he is required to act, he may apply to the Comptroller of the Treasury for a decision upon the question involved, and that officer shall render the same, and the decision so rendered shall govern the accounting officers of the Treasury in subsequently passing upon the account aforesaid. The auditor of the District of Columbia shall continue to prepare and countersign all checks issued by the disbursing officer, and no check involving the disbursement of public moneys by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia.

Mr. PEARRE. Mr. Chairman, I raise the point of order upon that paragraph that it is new legislation and therefore not in order upon a general appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For attorney's office: For attorney, $4,500; first assistant attorney, $2,500; second assistant attorney, $1,600; special assistant attorney, $1,600; law clerk, $1,200; stenographer, $720; messenger, $600; in all, $12,720.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 6, in line 13, strike out the word "attorneys" and insert in lieu thereof "city solicitor;" and in lines 13, 14, 15, and 16 strike out the word "attorney" wherever it occurs and insert in lieu thereof the words "city solicitor."

Mr. McCLEARY. This is simply to have the title of this office conform to the code.

The CHAIRMAN. Without objection the several amendments offered by the gentleman from Minnesota will be considered together. [After a pause.] The Chair hears no objection, and it is so ordered. The question is on the adoption of the amendments offered by the gentleman from Minnesota.

The amendments were agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For rent of District offices, $9,000.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to amend in line 22, page 13, by striking out the word "nine" and inserting the word "ten," and I would like to have the Clerk read the two letters I send to the desk in my time.

The Clerk read as follows:

WASHINGTON, D. C., *January 4, 1902.*

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: My duty, as President of National Capital Investment Company of the District of Columbia, compels me to write plainly respecting the status of our building which you have occupied wholly since March 1895, with a lease beginning July 1, 1895.

Colonel Ross, who was Commissioner at that time, will remember that the health, police, fire, street sweeping, charities, and Board of Children's Guardians departments were already in our building.

On February 26, 1895, you asked us to vacate all the other tenants and give your executive offices rent free to July 1. We completed the construction of the east side of building, making many changes to suit your purposes, constructed many more windows and 16 additional water closets, at an additional cost of $4,500. We were obliged to pay $1,500 for the use of side lot for lighting purposes. We made the elevators and steam service practically new before your entry. We sustained heavy loss by reason of other tenants ejected.

There was no question as to your ability to pay $10,000 yearly rental, and the deficiency then contemplated was expressly stated as only for the year 1895, until the Commissioners could secure the balance. The rent demanded by us was $12,000 for this fireproof building with nearly 70,000 feet of floor space, and the $10,000 agreed upon was a compromise. Let me be frank to say that had there then been any doubt as to your ability to secure the $10,000 yearly rental we would not have been willing to make the lease.

We wish to thank the honorable Commissioners for their unfailing courtesy in presenting this claim yearly to Congress, as by the lease they are required to do, and we most respectfully insist that we have paid our taxes, low as they are as compared with the cost of construction, and we have complied with both the letter and spirit of the lease in anticipating necessary repairs.

Gentlemen, if you can not correct the past deficiency by an appropriation now you should at least insist upon the current appropriation of $10,000 rental hereafter called for in lease.

Our people have expended in construction, changes, and charges $168,057.66, but we can not sell without great loss at present rental, nor can we pay such a dividend to our 85 stockholders as other like property in this city pays

The low rate of assessment is a partial compensation in the taxes paid, but not by our solicitation. You will acknowledge that the property has lost part of its value by reason of the severe usage of the large number of citizens who daily attend at the offices, and somebody will have to pay a large sum to restore the property to its proper condition when you vacate.

We do not appeal to you as mendicants asking for your bounty, but as citizens and taxpayers, who know the honorable Commissioners are controlled by the Golden Rule of justice to all and partiality to none.

We will welcome the day when you can secure a suitable municipal building upon the City Hall site, the center of business and population, and stand ready to contribute our time and money with you to secure this end.

Very respectfully,

THE NATIONAL CAPITAL INVESTMENT CO.,
By S. H. WALKER, *President.*

NATIONAL CAPITAL INVESTMENT COMPANY
OF WASHINGTON CITY, D. C.,
OFFICE, No. 458 LOUISIANA AVENUE,
Washington, D. C., February 6, 1902.

Hon. JOHN W. ROSS,
Commissioner, District of Columbia.

DEAR SIR: When the National Capital Investment Company rented to the District the buildings designated as 462, 464, and 466 Louisiana avenue, the rent was fixed at $10,000 per annum. At that time, however, the offices of the government were housed in different buildings, for which the aggregate appropriation was not quite $9,000.

The Investment Company offered to take the amount appropriated provided the Commissioners would, in their next estimates, ask for the sum of $10,000 per annum, agreed upon between the company and the Commissioners as a reasonable rental.

In accordance with this understanding the Commissioners, at the ensuing session of Congress, asked for an appropriation of $10,000 per annum, but that body allowed only $9,000. At every subsequent session Congress has been asked, as a simple matter of justice, to appropriate in accordance with the agreement aforesaid, but has so far taken no action to this end.

The Investment Company intends to present the matter to the Committees on Appropriations, and in order to a perfect understanding of the question at issue, desire you to state, as the surviving member of the board which selected and first rented the building, whether or not the foregoing statement is in accordance with the facts.

Very respectfully,

NATIONAL CAPITAL INVESTMENT CO.,
By S. H. WALKER, *President.*

On the back of the last letter was the following indorsement:

FEBRUARY 7, 1902.

According to my recollection and belief the facts herein stated are substantially correct.

JOHN W. ROSS, *Commissioner.*

Mr. McCLEARY. Mr. Chairman, some five or six years ago the various offices of the District were housed in different buildings. About 1897 they were gathered into the building in question. The aggregate of all the rent paid in the separate buildings was about $8,000. The owners of this building in question have been heard in person and by attorney by the committee. The judgment of the committee is that $9,000 is all that it is authorized to recommend, and therefore we hope that the amendment will be voted down.

Mr. SAMUEL W. SMITH. Will not the gentleman concede that the contract was to pay $10,000?

Mr. McCLEARY. No, sir.

Mr. SAMUEL W. SMITH. I understand that is the fact, but that you have always pleaded poverty.

Mr. McCLEARY. The law forbids the Commissioners to make any contract exceeding an appropriation.

Mr. SAMUEL W. SMITH. That is not the question. I submit that the Commissioners did agree to pay $10,000.

Mr. McCLEARY. The Commissioners agreed to recommend to the committee that $10,000 be appropriated, and they did so recommend, but, in the judgment of the committee, that sum was not proper to be paid.

Mr. SAMUEL W. SMITH. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. Without objection the gentleman from Michigan will be permitted to withdraw his amendment.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including livery of horses, and necessary incidental expenses, and work done under existing contracts, as well as hand work done under the immediate direction of the Commissioners without contract: *Provided*, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; $190,000, and the Commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

On page 20, line 17, strike out the words "livery of horses" and insert in lieu thereof the words "purchase, maintenance, and livery of horses, purchase, maintenance, and repair of wagons and harnesses."

The question was considered, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding $65,000: *Provided*, That not more than $72 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to permit the erection of poles and the stringing of overhead wires thereon outside of the fire limits and east of Rock Creek for electric lighting purposes only.

Mr. GROSVENOR. Mr. Chairman, I make a point of order against the proviso beginning on line 8, to the end of line 12, on page 26. It is new legislation and never has been authorized by law.

Mr. McCLEARY. Mr. Chairman, the point of order is conceded.

The CHAIRMAN. The Chair sustains the point of order.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 25, lines 23 and 24, strike out the words "sixty-five thousand" and insert the words "sixty-six thousand six hundred and fifty-six."

The question was considered, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, the new reservoir, and Washington Aqueduct tunnel, $33,000.

Toward establishing a slow sand filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, $600,000, to be available immediately and until expended: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary for prosecuting the work, or the materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,768,405, exclusive of the amount herein and heretofore appropriated.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 27, line 4, strike out the words "exclusive of" and insert in lieu thereof the words "in including."

The question was considered, and the amendment was agreed to.

Mr. PALMER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee to give the Committee of the Whole House a little information about this water business. I observe that somebody has bought 34 acres of land to establish a filtration plant, at the rate of $18,000 an acre. And they propose to spend $2,069,000 more in establishing what they call a sand filtration plant for the water. I will agree that the water needs filtering, because there is no place on the top of the civilized earth where the water is so bad so many days in the year as it is in the city of Washington. In quality and consistency it is about like good consommé soup, and if cleanliness is akin to godliness we have mighty little godliness in the city of Washington.

I observe from the testimony of Colonel Miller, the man who seems to have everything in charge and who makes all the contracts, that he is furnishing 200 gallons of water per capita per day to the people of this District. That is over 5 barrels to every inhabitant, big and little, white, black, and copper colored, including pickaninnies.

Mr. LIVINGSTON. A large part of it is mud.

Mr. PALMER. Yes; but they do not charge anything extra for the mud, and it is good mud, part of the sacred soil of Virginia. It would be curious to know what becomes of 200 gallons of water a day for every inhabitant in the District of Columbia. My esteemed colleague [Mr. LIVINGSTON] says that he does not get over a barrel a day in his house; that they do not use over a barrel a day, and they have six people in it; so that he does not get by 29 barrels what he is actually entitled to. What becomes of 200 gallons a day? How are they going to use $2,069,000 on filtrating that amount of water—60,000,000 gallons? Twenty-four filter beds, costing $10,000 apiece, would do the business, because you can filter 2,500,000 gallons of water through an acre of ground, and do it well.

Mr. NEWLANDS. If the gentleman will permit me a moment, I think I can answer his question regarding the waste of water in this city.

Mr. PALMER. I shall be very glad to hear the gentleman. I know he is an expert on the subject of irrigation.

Mr. NEWLANDS. Mr. Chairman, in no city in the United States is there such tremendous waste of water as in Washington. I am somewhat familiar with waterworks, for in my early days I was counsel of the Spring Valley Waterworks, a private corporation that furnished water to the city of San Francisco. There the

per capita consumption was about 50 gallons per day. Here, as has been stated, it is about 200 gallons. In Liverpool the consumption is only about 20 gallons per day per head.

Now, a great many years ago an inquiry was made in the city of San Francisco regarding the consumption of water. The waterworks at that time proposed an increase in the plant, involving an expenditure of some millions of dollars, but before entering upon that enlargement they came to the conclusion that they would try to restrain the waste, and they did this by inaugurating the meter system. The result was that for years they were able to postpone the extraordinary expenditure which had been contemplated for an enlargement of the plant.

Now, in this District an effort has been made by the District Committee on several occasions to introduce the meter system—not so much with a view to charging every person with every drop of water he receives or uses, but with the view of checking or restraining the waste. That measure, I am sorry to say, has been defeated in the House every time it has been brought up, and Congress has insisted on going on with the present wasteful system. Over two-thirds of the water that comes into the city of Washington goes through the sewers without serving any useful purpose. We have gone on expending large amounts of money every year for increasing our water supply, without thinking of the advantage it would be to limit the waste and purify the supply that we already have; for if we should attempt to purify this immense volume of water which serves no beneficial use, we of course simply increase the expense of the administration in this city. The fault in this matter is, I think, in Congress in refusing, whenever the question has been presented, to authorize the meter system.

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. PALMER. I move to amend by striking out the last two words. The point I am trying to make is this: The bill carries an appropriation of $600,000 for expenditures in connection with the water supply for the coming year, and it provides for constructing a slow sand filtration plant for this city at an expense not exceeding $2,700,000. Now, I wish to say that if 60,000,000 gallons of water daily are necessary for this city (which is not the fact) that quantity could be filtered through 24 filter beds. There is no mystery about a sand filtration bed. It is the simplest problem in engineering; and such sand filters as would be necessary would be, if constructed, dear at $10,000 apiece. I should be glad if the chairman of the committee would tell me and tell this House what they are going to do with $2,700,000 for the construction of a filtration plant for this city, even supposing that 60,000,000 gallons of water are needed every day.

I do not understand how those who have submitted the estimates could possibly expect this House to authorize a payment of $18,000 an acre—over $600,000—for 34 acres of land on which to establish a filtration plant. And if the House had been consulted no doubt the land never would have been purchased. It is stated that the land selected is within the city limits. But what necessity was there for purchasing land within the city limits for such a purpose? Why was not land purchased at the point where water is taken out of the river—20 miles up the Potomac—a suitable place for the construction of a filtration plant, and where land ought to be purchased for $50 an acre?

I have read all the testimony taken before this committee, and it consists of a statement of Colonel Miller. I suppose Colonel Miller is a very good man; I do not know anything to the contrary. But he gives as little information as any human being possibly could within the space occupied by his testimony. It seems he does the whole water business. He makes all the contracts; nobody else knows anything about the matter but Colonel Miller. It does seem to me that it would be an excellent plan to look into this water business and to ascertain whether filtered water can not be furnished to the city of Washington for far less money than it is proposed to expend. If the committee has any information on this subject besides that furnished by Colonel Miller in his testimony or that which is found in the Book of Estimates, I for one should be glad to hear it.

Mr. McCLEARY. Mr. Chairman, the Committee on Appropriations bases its appropriations upon the estimates furnished to it, exercising such judgment as it may in regard to the wisdom of those estimates. We thrashed out this question in the last Congress as to the kind of filtration plant we should have, and the provision in the bill expresses the best judgment of the committee.

The Clerk read as follows:

INCREASING THE WATER SUPPLY.

For fence around reservoir grounds, to cost not exceeding $5,000; walks, ditches, and drains on reservoir grounds; house over west shaft, and fencing; and for fencing, grading, and clearing at Champlain avenue shaft; in all, $12,000.

Mr. McCLEARY. I move to amend by inserting at the end of the paragraph just read the words "to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

For the enforcement of the provisions of the act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, and the act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, under the direction of the health officer of said District, $20,000.

Mr. McCLEARY. I move to amend by inserting after the word "District," in line 19, page 40, the words "including purchase and maintenance of necessary horses, wagons, and harness."

The amendment was agreed to.

The Clerk read as follows:

For maintaining the disinfecting service, $5,000.

Mr. McCLEARY. I move to amend by inserting after the word "service," in line 21, page 40, the words "including purchase and maintenance of necessary horses, wagons, and harness."

The amendment was agreed to.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of the act approved January 31, 1899, $1,500.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 43, after line 2, insert:

"Justices of the peace: For 10 justices of the peace at $2,000 each, and the further sum of $250 each for rent, stationery, and other expenses; in all, $22,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment to follow that.

The Clerk read as follows:

After the amendment last considered insert:

"Hereafter any justice of the peace designated to serve as judge of the police court, as provided by section 51 of the act to establish a code of law for the District of Columbia, shall receive no additional compensation while so serving."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, now I offer the following amendment to follow the last amendment.

The Clerk read as follows:

After amendment last considered insert:

"Hereafter justices of the peace in and for the District of Columbia who are also notaries public shall account for and pay over to the collector of taxes all fees earned as such notaries public as they are required by law to do as to fees earned by them as justices of the peace."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After amendment last considered insert:

"Hereafter the District of Columbia shall not be required to pay fees to the clerk of the supreme court of the District of Columbia.

"Hereafter the salary and compensation of the clerk of the supreme court of the District of Columbia shall not exceed $3,500 per annum; and the excess of fees received by him above said salary, after defraying therefrom the necessary expenses of his office, shall be paid into the Treasury of the United States.

"The permanent indefinite appropriation made by section 229 of the act to establish a code of law for the District of Columbia, approved March 3, 1901, to pay the reporter of the court of appeals for volumes of the reports of the opinions of said court, is hereby repealed. And the Commissioners of the District of Columbia shall hereafter annually submit estimates for the amounts required to pay said reporter for volumes of the reports authorized to be furnished by him under said section 229."

Mr. GROSVENOR. Mr. Chairman, I reserve all points of order on that.

Mr. BENTON. Mr. Chairman, I would like to ask the chairman of the committee if that is a committee amendment.

Mr. McCLEARY. Yes, it is; they are all committee amendments.

Mr. GROSVENOR. I do not know anything about it, Mr. Chairman, but it seems to me that last is an amendment of the code, which we passed after some considerable trouble, tacked on to an appropriation bill. I do not want to make any technical opposition to it if it is a matter that has been considered.

Mr. McCLEARY. I will say to the gentleman from Ohio that it is a matter that has been considered very carefully in committee and which has the unanimous approval of the committee. The first amendment provides salaries for justices of the peace.

In some way estimates for such salaries were omitted, and as the bill was first printed there was no provision for any salaries for these justices of the peace provided for by the code. The further amendments relate to their duties and to other matters whose propriety is regarded by the committee as beyond question.

Mr. GROSVENOR. Well, it is all right then.

The CHAIRMAN. Does the gentleman from Ohio insist upon his point of order?

Mr. GROSVENOR. I do not.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

That section 1178 of the "act to establish a code of law for the District of Columbia," approved March 3, 1901, shall not be construed to amend, alter, or repeal the rate of interest fixed at 4 per cent per annum on judgments against the District of Columbia by the act approved September 30, 1890 (Supplement Revised Statutes, page 811, paragraph 3).

Mr. McCLEARY. Mr. Chairman, I move, as an amendment, to strike out all of line 13 on page 43. It is a mere reference.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

For the Columbia Hospital for Women and Lying-in Asylum, for the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum, by the board of charities, not to exceed $20,000.

Mr. McCLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 49, in lines 17 and 18, strike out "the Columbia Hospital for Women and Lying-in Asylum, for."

Mr. McCLEARY. I will state that that is simply to correct the language.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 49, after the word "dollars," in line 21, insert the words "and the further sum of $6,000 is hereby appropriated for improvements and repairs at Columbia Hospital for Women and Lying-in Asylum."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

The Clerk read as follows:

For the care and maintenance of children, under a contract to be made with the German Orphan Asylum by the Board of Children's Guardians, not to exceed $1,800.

Mr. KLEBERG. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in lines 5, 6, and 7, page 52, the words "under contract to be made with the" and "by the Board of Children's Guardians" and insert before "German," in line 6, the word "in;" so that it will read:

"For the care and maintenance of children in German Orphan Asylum, not to exceed $1,800."

Mr. KLEBERG. Mr. Chairman, in explanation of the amendment, I send to the Clerk's desk and ask to have read a letter.

The Clerk read as follows:

WASHINGTON, D. C., *May 1, 1902.*

Hon. RICHARD BARTHOLDT,
House of Representatives.

DEAR SIR: The board of directors of the German Orphan Asylum of this city direct me to request that you will bring your influence to bear to have the objectionable phrase in the District of Columbia appropriation bill, H. R. 14019, page 52, lines 5, 6, and 7, viz, "under a contract to be made with the German Orphan Asylum by the Board of Children's Guardians," struck out.

We have received an appropriation of $1,800 for the last twenty years (independently of a special contract) under supervision of the Commissioners of the District of Columbia and audited by the Treasurer of the United States, but if the said clause remains in the bill the management of our institution will be crippled, as we can not afford to surrender the control of our institution to the Board of Children's Guardians.

Aside from this, it seems that our institution is singularly singled out from among others to be burdened with the above-mentioned provision—for instance, the appropriation for St. Ann's Orphan Asylum, the Washington Hospital for Foundlings, etc., has not the said condition annexed to it.

Hoping that you will meet with success in your efforts, I remain,

Very respectfully,

WM. F. MEYERS.
Secretary German Orphan Asylum.

Mr. KLEBERG. Mr. Chairman, in addition, I wish to say that I am informed that for the last four years Congress has stricken out a similar provision. It ought not to be in the bill, and I hope the amendment will be adopted.

Mr. McCLEARY. Mr. Chairman, this provision was inserted in accordance with the recommendation of the Board of Children's Guardians, and the statement was made at the time of the hearing that the amendment was acceptable to the officers of the German Orphan Asylum. I will say, in addition, Mr. Chairman, that this is in harmony with the policy which is sought to be inaugurated of placing all of these private institutions which call for public money under the direction of the Board of Children's Guardians. On the preceding page, page 51, we find:

For the care and maintenance of children, under a contract to be made with the National Association for the Relief of Destitute Colored Women and Children, by the Board of Children's Guardians—

And so forth. Now, the reason why these other three that are referred to—the Newsboys and Children's Aid Society, the Washington Home for Foundlings, and St. Ann's Infant Asylum—were not similarly specified, is that they were recommended to be stricken out, and we simply inserted them as they stand in the current law.

Mr. KLEBERG. I am informed that the same reason prevails for striking out this. I am informed that for the last four years the same item, reported by the Committee on Appropriations, has invariably been stricken out.

Mr. GROSVENOR. If the gentleman will allow me a word, he could have stricken out this provision on a point of order if he had chosen to do so, if this appears here for the first time.

Mr. KLEBERG. As new legislation.

Mr. GROSVENOR. Certainly.

Mr. KLEBERG. Then, Mr. Chairman, I make the point of order that this should be stricken out as new legislation.

Mr. McCLEARY. It is too late to make that point of order, Mr. Chairman.

The CHAIRMAN. It is too late to make that point of order.

Mr. KLEBERG. Then I appeal to the committee to adopt this amendment to strike out this provision. It has been stricken out in every preceding Congress, and I am informed that it will cripple the institution if it is not stricken out.

The amendment was agreed to.

The Clerk read as follows:

For the Women's Christian Association, maintenance, $4,000.

Mr. GROSVENOR. Mr. Chairman, I want to ask the gentleman in charge of the bill if this item—for the Women's Christian Association, $4,000—is the usual sum. There was some discussion about it, and an attempt was made by the Board of Children's Guardians to cut it down to $2,000, I think. What I want to know is whether this is the usual amount which has been given heretofore.

Mr. McCLEARY. I will say to the gentleman that this is the usual amount.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. McCLEARY, the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McCLEARY. Mr. Speaker, I move the previous question on the bill and amendments to their passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, they will be submitted by the Chair to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

CUBAN DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I would like to call up the diplomatic and consular appropriation bill covering the offices for Cuba. The bill was referred to the Committee of the Whole House on the state of the Union, and I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13996.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURTIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the diplomatic appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

Be it enacted, etc., That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service of the United States in the republic of Cuba for the fiscal year ending

June 30, 1903, and from May 20, 1902, until and including June 30, 1902, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of minister and secretaries: Envoy extraordinary and minister plenipotentiary to Cuba, $10,000; secretary of legation to Cuba, $2,000; second secretary of legation to Cuba, $1,500.

For salaries of consul-general and consuls: Consul-general at Habana, $5,000; consul at Cienfuegos, $3,000; consul at Santiago de Cuba, $3,000.

Mr. HITT. Mr. Chairman, this bill is to provide for the service, consular and diplomatic, to represent our Republic in the republic of Cuba, which will be installed on the 20th of this month. It is an important consideration that our minister, especially, should be on hand at the time of the installation of that government, as our interests are most important and it will be well that our minister be the dean of the diplomatic corps from the beginning. The provisions of the bill are so plain and simple that they need little explanation. The salaries were determined by the Department upon a comparison with the past. The minister will receive a salary of $10,000. We now pay to the minister to Costa Rica and the Central American posts a salary of $10,000, and the minister to the tiny Republic of San Domingo $7,500.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. HITT. Certainly.

Mr. KLEBERG. Has not the President recommended a salary of $10,000 for the minister?

Mr. HITT. That is the salary here fixed. The officers who are subordinate to the minister, as secretaries, are paid the usual rates in the service. At Habana, which is the principal port and place of business on the island, the salary of the consul-general is fixed in this bill at $5,000. Formerly the salary of the officer there, who was accredited to the Government of Spain, was $6,000. It is here reduced $1,000; but it is believed that the notarial fees and other sources of revenue will be sufficient to compensate him fairly.

Cienfuegos by this bill is paid $3,000. It was formerly $2,500. At Santiago de Cuba it is here fixed at $3,000 and was formerly $2,500; but we have, while establishing these posts at that rate, dropped Cardenas, $1,500; Matanzas, $3,000; Sagua la Grande, and Neuvitas. It was felt best that with the small fees of those places, where trade is quite subordinate, the business could be transacted by unsalaried agencies where we do not have any hope of a large business to justify a salary. The service is somewhat experimental. It is hard to say anything that would enlighten anyone generally well informed as to what and how great the commercial relations of our country with the new republic will be, but it is manifest that we should be represented, and that it should be immediately done. I will now gladly yield to anyone for suggestion or question.

Mr. CLARK. Mr. Chairman, I desire to indorse the statement made by the chairman of the committee. These salaries are what the President recommended. Of course everybody recognizes the importance of putting ourselves on the very best possible relations with the new republic that is coming into being over there on the 20th of the month. Some people might think that the title of "minister plenipotentiary and envoy extraordinary" was a little top heavy for so small a republic, but Congress raised the minister to Mexico and changed that to ambassador, the very first one that America ever sent out. It was done for commercial reasons and because Mexico is our nearest neighbor on the South, and it is of the utmost importance, as the chairman has stated, that we have our representative on the ground in Habana at the time this republic is installed.

Mr. HITT. I will not detain the committee further, unless gentlemen desire to ask questions. I move that the committee rise.

The CHAIRMAN. General debate has not been closed. Without objection, general debate will be considered as closed.

There was no objection.

Mr. HITT. The bill has been read.

The CHAIRMAN. Without objection, the reading of the bill for amendments will be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Illinois moves that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, and had directed him to report it back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

Mr. SHERMAN (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, at the request of the gentleman from Minnesota [Mr. TAWNEY], who has been called out of town, I ask unanimous consent that that committee may be passed, the bill under consideration not being prejudiced by that action.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Interstate and Foreign Commerce be passed without prejudice. The Chair will state, before presenting that request, that that committee has had one day and is entitled to one further day, so this must be understood. The Chair now submits the request. Is there objection to the request? [After a pause.] The Chair hears none.

The Committee on Foreign Affairs was called.

Mr. ADAMS. Mr. Speaker, I ask for the consideration of the bill H. R. 8129, to amend sections 4076, 4078, and 4075 of the Revised Statutes.

The SPEAKER. Is this by authority of the committee?

Mr. ADAMS. I am instructed by the Committee on Foreign Affairs to call this bill up.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 4076 and 4078 of the Revised Statutes of the United States are hereby amended by substituting for the phrases "citizens of the United States" and "citizen of the United States" the phrases "persons owing permanent allegiance to the sovereignty of the United States" and "person owing permanent allegiance to the sovereignty of the United States."

SEC. 2. That section 4075 of the Revised Statutes is hereby amended by inserting after the phrase "consular officers of the United States" as follows: "and by such chief or other executive officers of the insular possessions of the United States."

The following amendment was recommended by the committee:

Strike out all after the enacting clause and insert the following:

"SECTION 1. That section 4075 of the Revised Statutes of the United States is hereby amended by inserting after the phrase 'consular officers of the United States' the following: 'and by such chiefs or other consular officer of the insular possessions of the United States.'

"SEC. 2. That section 4076 of the Revised Statutes is hereby amended so as to read as follows: 'No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.'

"SEC. 3. That section 4078 is hereby amended so as to read: 'If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any person owing allegiance, whether a citizen or not, to the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.'"

Mr. ADAMS. Mr. Speaker, I will ask for the reading of the report, which consists mainly of a letter from the Secretary of State setting forth the reasons for the passage of the bill.

The SPEAKER. The report will be read in the time of the gentleman from Pennsylvania.

The Clerk read the report (by Mr. ADAMS), as follows:

The Committee on Foreign Affairs, to which was referred the bill (H. R. 8129) to amend sections 4076, 4078, and 4075 of the Revised Statutes, reports the same back with amendments, with the recommendation that the bill as amended be passed.

The draft of this bill was transmitted by the Secretary of State, with the subjoined letter in support of the necessity for its passage:

DEPARTMENT OF STATE,
Washington, January 4, 1902.

SIR: I have the honor to inclose herewith a draft of a proposed amendment to sections 4076, 4078, and 4075 of the Revised States of the United States, which now limit the issuance of passports to citizens of the United States.

Since the treaty of peace with Spain the Department has received applications for passports from residents of the Philippine Islands, Porto Rico, and Guam. On the occasion of an application to the ambassador of the United States at London by several Filipinos the Department instructed the ambassador to issue the passports, but no passports have been issued to the residents of our insular possessions by this Department, nor has it authorized such issuance by our diplomatic or consular agents abroad, except in the instance above mentioned.

The diplomatic and consular officers have, however, been instructed to extend to all loyal residents of our insular possessions traveling or sojourning abroad the same protection of person and property as is accorded to native citizens of the United States, and to effect this purpose they have been instructed to issue such documents as are required by the foreign authorities and are not prohibited by our laws and regulations. This expedient has proved satisfactory for the time being, but it can not properly become a permanent practice for the reason that a passport is absolutely necessary in order to obtain admission to some foreign countries and is required for protection during sojourn in others.

The purpose of the amendment to existing legislation herewith submitted is to secure the sanction of law to the granting of passports to residents of our insular possessions, and thus enable this Government to extend to them a full measure of protection abroad.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. R. R. HITT,
Chairman Committee on Foreign Affairs,
House of Representatives, United States.

Strike out all after the enacting clause and insert the following:

"SECTION 1. That section 4075 of the Revised Statutes of the United States is hereby amended by inserting after the phrase 'consular officers of the United States' the following: 'and by such chiefs or other consular officers of the insular possessions of the United States.'

"SEC. 2. That section 4076 of the Revised Statutes is hereby amended so as to read as follows: 'No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.'

"SEC. 3. That section 4078 is hereby amended so as to read: 'If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any person owing allegiance, whether a citizen or not, to the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.'"

The reasons for the necessity for the passage of this bill are so fully set forth in the letter from the Secretary of State that your committee does not deem it necessary to make further suggestions.

Mr. ADAMS. Mr. Speaker, the letter from the Secretary of State sets forth so fully the reasons for the necessity of this legislation that I do not think it necessary to say anything further. The fact is simply this, that the Revised Statutes uses the term "citizen of the United States;" and under that the State Department deem themselves prohibited from writing or issuing passports to citizens of the insular possessions. The Secretary of State has asked this legislation in order to put the Department in a position so to do.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. ADAMS. I will yield to the gentleman.

Mr. MADDOX. Is this a unanimous report from the Committee on Foreign Affairs?

Mr. ADAMS. It is a unanimous report from that committee.

Mr. HITT. Mr. Speaker, this is a bill which was carefully considered by all the committee, and was discussed fully at the time. There have been cases in the past where the Government officers have given certificates in one form or another instead of passports. Certificates may be available for some purposes, but some countries absolutely and in terms exact passports from persons coming from the United States. By our law now passports can be granted only to citizens of the United States. Now, there is a body or class of persons whom the gentleman from Pennsylvania has referred to who owe allegiance to the United States, living in Porto Rico and other insular possessions, to whom it is our duty to afford protection, but who have not yet been decided to be citizens. In the bill presented that protection is authorized to be extended by diplomatic officers granting passports to those owing allegiance to the United States.

Mr, SMITH of Kentucky. Does this bill undertake to deal with the inhabitants of Porto Rico, and Hawaii, and the Philippine Islands in any other capacity than as citizens of the United States?

Mr. ADAMS. It does not. This bill simply provides that all persons who owe allegiance to the United States shall be entitled to passports. All people under the sovereignty of any nation are entitled to the protection of that Government, and this law will enable the Department of State to issue passports to all people who have a right to claim protection from this Government.

Mr. CLARK. That is provided for by this language:

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

Mr. SMITH of Kentucky. The committee have undertaken to say by inference that persons who owe allegiance to the United States are not citizens of the United States.

Mr. CLARK. No; the committee did not undertake to say anything of the sort. The situation, Mr. Speaker, is simply this; some of us believe that the very minute the Philippine Islands were annexed to the United States the people of those islands became citizens, as we had it stated here in the debate on the Porto Rican tariff; but there are a great many other people who do not believe anything of the sort, and it was necessary, in the judgment of the State Department and in the judgment of this committee, that some arrangement be made to grant a passport to these people in the Philippine Islands and other islands that are hung up like Mohammed's coffin, between heaven and earth. But in order to avoid that very difficulty of undertaking to decide whether they are citizens or not citizens, we used the language in the second section, which I have read, evading the whole thing. It leaves them exactly where we found them.

Mr. SMITH of Kentucky. Well, Mr. Speaker, I desire to say that I believe that every man that owes allegiance to the United States is a citizen of the United States. I believe that is a sound proposition of law.

Mr. CLARK. If that is your position, this section of the bill does not run counter to it.

Mr. SMITH of Kentucky. This bill is a legislative construction of our laws relative to citizenship.

Mr. CLARK. Oh, no; it is not.

Mr. SMITH of Kentucky. I so understand it to be.

Mr. CLARK. It takes your view and my view.

Mr. SMITH of Kentucky. Let me ask the gentleman a question. If I support this bill, am I not conceding by that support that there are people who owe allegiance to the United States who are not citizens of the United States?

Mr. CLARK. Oh, no; if you support this bill, you will simply retain your political and constitutional integrity and at the same time allow the State Department to be authorized to issue passports to the Filipinos, whether it shall turn out ultimately that they are American citizens or not; and that is the reason this language is put in there—so that everybody here can vote for the bill and so that if a Filipino wants to go anywhere in the world before it is determined whether he is a citizen or not, he can, somehow or other, get a passport under the provisions of this bill.

Mr. SMITH of Kentucky. One other question. Would not this bill serve the same purpose if the words "whether he be a citizen or not" were stricken out?

Mr. CLARK. I do not think it would.

Mr. SMITH of Kentucky. It would then include everybody who owes allegiance to the United States.

Mr. CLARK. Nobody can tell when the Supreme Court of the United States is going to decide whether these people are citizens; and what is a good deal more important, nobody can tell when Congress is going to act under the treaty of Paris and define the status of those people in the Philippine Islands. It is more than three years since that treaty was ratified; yet Congress has sat here and done absolutely nothing, so far as I have been able to ascertain, in the way of taking action under that section of the treaty which empowers Congress to fix the status of the people of the Philippine Islands.

Because Congress has not acted, because it has shown precious little disposition to act, because the Supreme Court has not decided and never will decide it until it is driven right up to the proposition, what the status of those people over there is, and because some of them want to travel around like other people, we have inserted this language which some gentlemen may call equivocal. That is the most you can make of it. If I thought that this language bound me for half a second to the declaration that any people under the American flag are not citizens of this country, I never would vote for it. But I do not feel that I should ever be precluded by this bill from taking any position that I pleased in regard to the status of those people in the Philippine Islands.

Mr. KLUTTZ. Does not the language imply a doubt whether they are citizens now?

Mr. CLARK. No; there is no such implication. We simply say, "If you take one man's view and say they are citizens, they can get their passports; and if you take another man's view and say they are not citizens, they can still get their passports."

Mr. SMITH of Kentucky. The gentleman did not answer my question. I asked whether this bill, with the words "whether they be citizens or not" stricken out, would not accomplish the purpose intended and desired, without committing men who take the different views, one way or the other, upon the proposition of citizenship?

Mr. CLARK. If I felt like the gentleman from Kentucky does on this question, I should vote against the bill.

Mr. SMITH of Kentucky. Well, I shall vote against it if those words "whether they are citizens or not" are retained, because I think that to vote for the bill with those words included is tantamount to saying that people may owe allegiance to the Government of the United States without being citizens thereof. I do not believe any such doctrine.

Mr. KLEBERG (to Mr. CLARK). Does not the language of the bill imply that certain persons may be citizens of the United States and certain others subjects?

Mr. CLARK. It does not imply anything of the sort.

Mr. KLEBERG. That is exactly what it does.

Mr. CLARK. I do not think it does. A man may owe allegiance to the Government of the United States while here in the United States without being a citizen. I will give you an illustration. There are in the United States at the present time somewhere in the neighborhood of 300,000 Chinese. Every one of them owes allegiance to the United States as long as he stays here; he is subject to our jurisdiction. Now, if I felt as my friend from Kentucky does and my friend from Texas does, I would not vote for the bill. That is all there is about it.

Mr. SMITH of Kentucky. Let me say to the gentleman from Missouri [Mr. CLARK] that the instance he cites is an instance of temporary allegiance.

Mr. CLARK. That is all true.

Mr. SMITH of Kentucky. It does not cover the allegiance required of every citizen of the United States.

Mr. CLARK. I hope from the bottom of my heart that that is all the allegiance these Filipinos will ever owe to the United States—a temporary allegiance—for I would gladly get rid of them by next Fourth of July, if it were possible.

Mr. SMITH of Kentucky. If they are persons owing only a temporary allegiance, we ought not to grant them passports.

Mr. CLARK. But they are in the country and they can not get out without a passport. We have, as it were, got them in jail.

Mr. SMITH of Kentucky. I think that the provision of law which says that we may issue passports to citizens of the United States covers these people as much as it does those fully endowed with citizenship.

Mr. CLARK. I have stated all I know about the measure. I do not care very much about it anyhow.

Mr. ADAMS. I ask for a vote.

Mr. MADDOX. Allow me to make a suggestion to the gentleman from Pennsylvania [Mr. ADAMS]. There seem to be some objections to this bill on this side of the House; we have no quorum here, and there was a general understanding, I believe, that no business would be taken up this afternoon after we got through the District bill.

Mr. ADAMS. Mr. Speaker, I know of no such understanding.

Mr. MADDOX. Mr. Speaker, I think it would be better to pass it, say, until to-morrow, so that we may have somebody here.

Mr. ADAMS. The trouble is that if we pass it I will lose my position on the call of committees. I will say to the gentleman that this bill was reported unanimously from the Committee on Foreign Affairs over a month ago.

Mr. MADDOX. Then the gentleman will simply force us to raise the question of no quorum.

Mr. ADAMS. Well, I do not wish to do that.

Mr. MADDOX. I think you can get unanimous consent to fix this at some time when we have a larger number of members present in the House.

Mr. ADAMS. Then, Mr. Speaker, I ask unanimous consent that to-morrow morning, after the reading of the Journal, this bill be made a special order.

The SPEAKER. To-morrow is set for claims, the Chair will state.

Mr. SMITH of Kentucky. Mr. Speaker, how would it be to set it over until Monday?

The SPEAKER. Monday is set for District of Columbia matters, by order of the House.

Mr. SMITH of Kentucky. Then Tuesday morning.

The SPEAKER. The Chair will state to the House that Tuesday morning the Committee on Territories have given notice that they will call up the Territorial bill. The Chair will submit the request to the House if desired.

Mr. ADAMS. The matter will not take long.

Mr. ROBINSON of Indiana. Then I shall have to object to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be made the special order for Tuesday morning next. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Indiana.

Mr. ADAMS. Then I shall have to take a vote on the bill. I move the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill and amendments to its passage.

Mr. SMITH of Kentucky. I think if the gentleman will suggest Wednesday morning that will be satisfactory. The objection is, as I understand it, because it will interfere with the Committee on the Territories. Make it Wednesday morning and I believe there will be no objection.

Mr. ADAMS. Then I ask unanimous consent, Mr. Speaker, that Wednesday morning next be set as a special order.

The SPEAKER. Does the gentleman withdraw his demand for the previous question.

Mr. ADAMS. I do, temporarily.

The SPEAKER. The demand for the previous question is withdrawn.

Mr. LLOYD. Mr. Speaker, I have no objection to the consideration of this particular bill at any time that may be fixed, excepting that I do not wish it fixed at any time which will interfere with the statehood bill. If the gentleman will make his proposition such that it shall be taken up immediately after the consideration of the statehood bill, then I have no objection.

Mr. ADAMS. Mr. Speaker, I renew the demand for the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman demands the previous question on the bill and amendments to its passage.

The question was taken; and, on a division demanded by Mr. ADAMS, there were—ayes 64, noes 13.

Mr. MADDOX. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The gentleman from Georgia makes the point there is no quorum present. The Chair will count.

The Chair proceeded to count, when

Mr. MADDOX said: Mr. Speaker, I withdraw the point, in order that the gentleman from Pennsylvania may make another request.

The SPEAKER. Does the gentleman withdraw his point of no quorum?

Mr. MADDOX. Yes; in order that the gentleman from Pennsylvania may make another suggestion.

The SPEAKER. The Chair will submit the question. Unanimous consent is asked to vacate the order to proceed to ascertain whether there is a quorum present or not. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMS. Mr. Speaker, I now ask unanimous consent that this bill be considered after the bill for the admission of the Territories as States.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be made the special order for the consideration of the House after the Committee on Territories has disposed of the statehood bill.

Mr. SMITH of Kentucky. Mr. Speaker, I wish to suggest to the gentleman from Pennsylvania that he include in that request that the order for the previous question be vacated.

Mr. ADAMS. Oh, yes.

The SPEAKER. The previous question was not ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will proceed with the call of the committees.

Mr. PERKINS. Mr. Speaker——

The SPEAKER. Is this from the Committee on Foreign Affairs?

Mr. PERKINS. Yes. By direction of the Committee on Foreign Affairs I call up the bill H. R. 11576, which I will send to the desk and ask to have read.

The Clerk read as follows:

A bill granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. PERKINS. Mr. Speaker, I will state——

The SPEAKER. The Chair would advise the gentleman that this bill is on the Private Calendar and not on the House Calendar.

Mr. PERKINS. Then it can not be called up under the call of committees?

The SPEAKER. Not under the call of committees. On the call of committees only bills on the House Calendar can be called up. The gentleman can only get it up under this call by unanimous consent.

Mr. PERKINS. Then I ask unanimous consent for its consideration, to get it out of the way.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be considered now, under the call of the committees. Is there objection?

Mr. WHEELER. Mr. Speaker, I object.

ORDER OF BUSINESS.

Mr. BELL. Mr. Speaker, I want to know if we can raise the point of no quorum being present?

The SPEAKER. The gentleman has that right.

Mr. BELL. Evidently there is no quorum here.

Mr. RAY of New York. I trust the gentleman will not raise the point now. I have a matter or two that I want to bring up.

Mr. BELL. The only reason I make it is that several members, including the gentleman from Tennessee [Mr. RICHARDSON], went away thinking nothing would be done except to pass the appropriation bill. A great many went away with that understanding. I do not want to object to anybody's bill, but we ought to have a quorum. What is the gentleman's bill?

Mr. RAY of New York. I want to return to the Judiciary Committee on the call. The gentleman can raise the point then, if he desires to.

Mr. BELL. Well, I withdraw the point for the present, Mr. Speaker.

The SPEAKER. The gentleman withdraws the point of no quorum.

Mr. JONES of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JONES of Washington. I rise for the purpose of asking unanimous consent to return to the Committee on the Merchant Marine and Fisheries. I was present when the call was made and was listening, but did not hear the call of that committee.

The SPEAKER. Is there anything further from the Committee on Foreign Affairs?

Mr. HITT. Mr. Speaker, unanimous consent was just asked by the gentleman from New York [Mr. PERKINS] to proceed with a certain bill.

The SPEAKER. The gentleman from Kentucky [Mr. WHEELER] made objection. Has the gentleman from Illinois, or any other member of the Foreign Affairs Committee, anything further to bring out from that committee? [After a pause.] The gentleman from Washington.

Mr. JONES of Washington. I ask unanimous consent to return to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Washington asks unanimous consent to return to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

VESSELS OWNED BY CORPORATIONS.

Mr. JONES of Washington. Mr. Speaker, I desire to call up the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes.

The SPEAKER. The gentleman from Washington calls up a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That section 4139 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4139. Previous to granting a register for any vessel owned by any incorporated company the president or secretary of the company, or any other officer or agent thereof, duly authorized by said president in writing, attested by the corporate seal of the company, to act for the president in this behalf, shall swear to the ownership of the vessel by such company without designating the names of the persons composing the company, and the oath of either of said officers or agents will be sufficient without requiring the oath of any other person interested and concerned in such vessel."

SEC. 2. That section 4314 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4314. Previous to granting enrollment and license to any vessel owned by any incorporated company the president or secretary of such company, or any other officer or agent thereof, duly authorized by said president in writing, attested by the corporate seal of the company, to act for the president in its behalf, shall swear to the ownership of such vessel by such company without designating the names of the persons composing such company, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel."

The following amendments recommended by the committee were read:

In line 8, page 1, before the word "company," strike out "the" and insert "such."

In line 9 strike out the word "president" and insert the word "company."

In line 10 strike out the words "of the company" and insert the word "thereof," and strike out the word "president" and insert the word "company."

In line 14 strike out the word "will" and insert "shall," and after the word "be" insert the word "deemed."

On page 2, in line 4, strike out the word "to" and insert "for."

In line 6 strike out the word "president" and insert the word "company."

In line 7 strike out the words "of the company" and insert the word "thereof."

And in line 8 strike out the words "for the president."

Mr. JONES of Washington. Mr. Speaker, the only effect of the amendments to the sections of the Revised Statutes referred to is to allow the regularly authorized agent of a company to make the oath in addition to the president or secretary. The present law allows the president or the secretary to make the oath of ownership required by the statutes. This simply extends it to an agent duly authorized by the company, under the seal of the company, to make the oath, in addition to the president or secretary.

Mr. CLAYTON. Does this come from your committee with a unanimous report?

Mr. JONES of Washington. The unanimous report of the Committee on the Merchant Marine and Fisheries.

Mr. MADDOX. Is that all the change it makes?

Mr. JONES of Washington. That is all the change.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

CALL OF THE COMMITTEE OF THE JUDICIARY.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent to return to the Committee on the Judiciary. I was busy when the committee was called, and did not apprehend that a call of committees would be made to-day. Coming in later, I found that the Committee on the Judiciary had been passed.

The SPEAKER. The gentleman from New York asks unanimous consent to return to the call of the Committee on the Judiciary, he having been absent from the House when the call was made. Is there objection?

There was no objection.

LIMITING THE MEANING OF THE WORD "CONSPIRACY."

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases.

The bill was read, as follows:

Be it enacted, etc., That no agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia or in any Territory of the United States, or between employers and employees who may be engaged in trade or commerce between the several States, or between any Territory and another, or between any Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy for which punishment is now provided by any act of Congress, but such act of Congress shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained.

Mr. RAY of New York. Mr. Speaker, if there is no comment desired, I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF CIRCUIT AND DISTRICT COURTS, DISTRICT OF SOUTH DAKOTA.

Mr. RAY of New York. Mr. Speaker, I desire to call up the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That hereafter the terms of the district and circuit courts of the United States in and for the State of South Dakota shall be held as follows: At Sioux Falls, the first Tuesday in April and the third Tuesday in October; at Aberdeen, the first Tuesday in May and the second Tuesday in November; at Pierre, the second Tuesday in June and the first Tuesday in October; at Deadwood, the third Tuesday in May and the first Tuesday in September.

SEC. 2. That the provisions of statute now existing for the holding of said courts on any day contrary to the provisions of this act are hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said courts on the days now fixed by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not have been passed.

SEC. 3. That when the circuit and district courts are held, as provided in this act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts, and all grand and all petit juries for the circuit and district courts of the district of South Dakota shall be drawn from the body of said district and from the inhabitants of the State of South Dakota who are liable according to the laws of said State to do jury duty in the courts thereof, in the manner now provided by law.

SEC. 4. That this act shall be in full force and effect on and after July 1, A. D. 1902.

Mr. RAY of New York. Mr. Speaker, I desire to say to the House that this bill has passed the Senate and is unanimously reported from the Committee on the Judiciary. The act fixes the times and places for holding the courts in South Dakota, and is just as the Senators and Representatives from that State desire to have it to accommodate the courts. It creates no additional offices or expense. Mr. Speaker, I ask for the previous question or a vote.

The SPEAKER. The gentleman from New York demands the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. RAY of New York. Mr. Speaker, if I can without yielding the floor, I desire to permit a gentleman who passed a bill here a little while ago to move to reconsider and to lay that motion on the table.

The SPEAKER. Is the bill from the Committee on the Judiciary?

Mr. RAY of New York. The bill was passed.

The SPEAKER. What committee was it from?

Mr. RAY of New York. It was from another committee. The bill was passed.

The SPEAKER. It can only be done by unanimous consent.

Mr. JONES of Washington. I only wish, Mr. Speaker, to move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. The gentleman from Washington asks unanimous consent to recur to the Committee on Merchant Marine and Fisheries, for the purpose of moving to reconsider the vote by which a bill was passed, and also to move to lay that motion

on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMENDMENT TO THE BANKRUPTCY LAW.

Mr. RAY of New York. Mr. Speaker, I now call up the bill H. R. 13679.

The bill was read, as follows:

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

Be it enacted, etc., That clause 15 of section 1 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, be, and the same is hereby, amended so as to read as follows:

"(15) A person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, or which is exempt from being taken on execution under the laws of the United States or of the State or Territory in which the proceedings in bankruptcy were begun, shall not, at a fair valuation, be sufficient in amount to pay his debts."

SEC. 2. That clause 5 of section 2 of said act be, and the same is hereby, amended so as to read as follows:

"(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services;"

SEC. 3. That clause 4, subdivision a, of section 3 of said act, be, and the same is hereby, amended so as to read as follows:

"or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for or been put in charge of a receiver or trustee, under the laws of a State or Territory, or of the United States."

SEC. 4. That section 4 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 4. WHO MAY BECOME BANKRUPTS.—a Any natural person and any unincorporated company owing debts shall be entitled to the benefits of this act as a voluntary bankrupt.

"b Any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits shall be entitled to the benefits of this act as a voluntary bankrupt, on petition of an officer or stockholder of such corporation, duly authorized at a meeting of stockholders held for that purpose by the vote of a majority in amount of the total stock of the corporation.

"c Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits, owing debts to the amount of $1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts.

"d The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

SEC. 5. That subdivision b of section 14 of said act be, and the same is hereby, amended so as to read as follows:

"b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtained such property on credit; or (4) made a fraudulent transfer of any portion of his property to any person; or (5) been granted or denied a discharge in bankruptcy within six years; or (6) in the course of his proceedings refused to obey any lawful order of or to answer any material question approved by the court."

SEC. 6. That section 17 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 17. Debts not affected by a discharge.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

SEC. 7. That subdivisions a and b of section 18 of said act be, and the same are hereby, amended so as to read as follows:

"a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within ten days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be not more than twenty days after the first publication.

"b The bankrupt, or any creditor, may appear and plead to the petition on or before the return day, or within such further time as the court may allow."

SEC. 8. That subdivision a of section 21 of said act be, and the same is hereby, amended so as to read as follows:

"a A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this act: *Provided*, That the wife shall not be so examined except as to business transactions to which she is or has been a party, and she may be examined to determine that fact."

SEC. 9. That subdivision b of section 23 of said act be, and the same is hereby, amended so as to read as follows:

"b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b, section 67, subdivision e, and section 70, subdivision e."

SEC. 10. That subdivision a of section 40 of said act be, and the same is hereby, amended so as to read as follows:

"a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of $20 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 50 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1 per cent commissions on all moneys received and paid out by the trustee, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition."

SEC. 11. That subdivision a of section 48 of said act be, and the same is hereby, amended so as to read as follows:

"a Trustees shall receive for their services, payable after they are rendered, a fee of $10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered such commissions on all moneys received and paid out by them as may be allowed by the courts, not to exceed 10 per cent on the first $500 or less, 5 per cent on the next $1,000 or part thereof, 3 per cent on the next $8,500 or part thereof, and 1 per cent on such moneys in excess of $10,000. In the event of the confirmation of a composition after the qualification of a trustee, the court may allow such trustee not more than one-half commissions on the moneys or property received by him."

SEC. 12. That subdivision g of section 57 of said act be, and the same is hereby, amended so as to read as follows:

"g The claims of creditors who have received preferences, voidable under section 60, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section 67, subdivision e, or section 70, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances."

SEC. 13. That subdivisions a and b of section 60 of said act be, and the same are hereby, amended so as to read as follows:

"a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted, or, if not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property transferred."

"b If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 14. That subdivision a and clause two of subdivision b of section 64 of said act be, and the same are hereby, amended so as to read as follows:

"a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, except such taxes as are a lien on a homestead claimed by or set off to him as exempt from being taken on execution, in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax, the same shall be heard and determined by the court."

"(2) The filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered by the efforts and at the expense of one or more creditors, the reasonable expenses of such creditors in so doing."

SEC. 15. That subdivision e of section 67 and subdivision e of section 70 of said act be, and the same are hereby, amended by adding at the end of each such subdivision the words:

"For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 16. That said act is also amended by adding thereto a new section, section 71, to read as follows:

"SEC. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: *Provided*, That said bankruptcy indexes and dockets, as well as the indexes of judgments in the several courts of the United States, shall at all times be open to inspection and examination by all persons or corporations for the purpose of transcription or otherwise without any fee or charge therefor."

Mr. BELLAMY. Mr. Speaker, I hope the gentleman from New York will postpone the consideration of this bill. I do not know of a more important bill that has been brought before this session of Congress than the bankruptcy bill, or a radical amendment to the bankruptcy law, which affects every section of the country. There is no quorum here this evening, and the bill ought to be postponed for consideration, so that we can examine the bill.

Mr. RAY of New York. Mr. Speaker, I desire to say, in answer to the suggestion, that I do not desire to be unfair about this or to disappoint anyone or to cut off proper debate. I would say here that this bill meets the unanimous approval of everybody favorable to the continuance of the bankruptcy law, and

most of those who favor the repeal of the law favor the amendments. There are but one or two of these amendments that those who want to repeal the law find any fault with. Perhaps I might say two or three. There are some gentlemen who desire to repeal the law.

This bill has been sent to and has been in the hands of business houses, merchants, manufacturers, and lawyers, North and East, South and West, all over this country, for more than six months, and every business interest, lawyers, judges, from all directions, favor these amendments. I think those who have received communications on the subject, those who have studied the bill, speak in that way. But, Mr. Speaker, there are a number who favor a repeal, and I think three—is it three members of the committee?

Mr. CLAYTON. Four members.

Mr. RAY of New York. Four members of the committee have joined in a minority report in which they favor the repeal of the law.

Mr. CLAYTON. I think it fair to say in that connection that the minority who have presented their views oppose this bill, and oppose nearly every principal feature in this bill; and they also favor the repeal of the original bankruptcy act, and also are opposed to these amendments.

Mr. RAY of New York. Then this is the first time I have heard objections to the amendments, except as I stated. I do not desire to be unfair. Now, if it is the desire of gentlemen and the wish of the House, I am perfectly willing to let this matter stand over until there is another call of committees, and that will give everyone an opportunity to prepare themselves for the debate and study the bill.

Mr. LANHAM. It might be possible to fix a day in the future when the bill might be considered and given ample time.

Mr. RAY of New York. There is some confusion, and I did not hear what the gentleman said.

Mr. LANHAM. It might be possible to fix a day for the consideration in the pretty early future, when sufficient time could be devoted to the consideration of the bill to satisfy all.

Mr. RAY of New York. That may be, but——

Mr. LANHAM. We might reach an agreement by unanimous consent.

Mr. RAY of New York. It might interfere with the business of the House.

Mr. CLAYTON. I did not understand the statement of the gentleman from Texas.

Mr. LANHAM. I suggest that there might not be sufficient time to consider the bill, and that we might agree upon some day—say next week, or in the early future—when it be taken up.

Mr. PAYNE. I suggest to the gentleman that he let this bill go over until the next call of committees.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman whether it is his purpose to move the previous question so as to prevent those in favor of the repeal of the law to have an opportunity to vote for that repeal. I would like to see the bill called up and have a chance to aid in the repeal of the law. I think there is a general feeling of that kind in the House that the law ought to be repealed, and I know there is a general feeling throughout the country to that effect, and this evening is not any too soon.

Mr. RAY of New York. When the gentleman says that, I say in answer that I know there is no such general feeling, because I have tested the feeling. As I said, I have in the committee room from all quarters of the country more than 20,000 letters favoring these amendments.

Mr. RICHARDSON of Alabama. I agree with the gentleman from New York that there is no sentiment for the repeal, but I do not think a bill of such vast importance as this ought to be considered without all the members having an opportunity to investigate it and vote upon it. I do not believe there is a general demand throughout the country for the repeal of the bankrupt law, but I do believe there is a general demand for amendment to many of its features. I do do not know myself what this bill provides; I am not able to tell right now taking up this bill.

Mr. RAY of New York. If the gentleman will take the report he can see.

Mr. RICHARDSON of Alabama. I have not had time to read it; I have just received it.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If the House should adjourn now, would this matter come up on the next call of committees?

The SPEAKER. If the House should adjourn now, the first unfinished business will be that of the Committee on Interstate and Foreign Commerce, as the House has by unanimous consent reserved its right. After that the Committee on the Judiciary will be next in order.

Mr. PAYNE. Well, I suggest that that is the best way to dispose of this matter.

Mr. DE ARMOND. Mr. Speaker, the time ordinarily given to the call of committees is insufficient for the consideration of this bill. It has taken twenty or twenty-five minutes to read it.

Mr. PAYNE. You will have two days to consider it under the rule.

Mr. DE ARMOND. Two days would be about the time that ought to be given to it.

Mr. CLAYTON. Not less than that.

Mr. PAYNE. That is all that can be given under the rule of the House.

The SPEAKER. The Chair did not understand whether the gentleman from Missouri made a point of order or not.

Mr. DE ARMOND. No, sir; I did not.

The SPEAKER. The Chair will say in respect to the time that on the call of committees each committee has two days to call up a bill, but the bill being once called up, consideration of it may be continued through the session.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Does the gentleman from New York [Mr. RAY] yield to his colleague for that purpose?

Mr. CLAYTON. Mr. Speaker, I hope the gentleman will withhold that motion for a minute.

Mr. PAYNE. I will withhold it, Mr. Speaker.

Mr. CLAYTON. I request unanimous consent, Mr. Speaker, that 1,000 copies of this bill with the report of the majority and the views of the minority be printed. They have been exhausted.

Mr. RAY of New York. They have been exhausted, Mr. Speaker, and I would like to have the gentleman make it 2,000.

The SPEAKER. The gentleman from Alabama asks unanimous consent that 1,000 copies of the bill and report and the views of the minority be printed for the use of the House, and the gentleman from New York [Mr. RAY] moves to amend by making it 2,000.

Mr. CLAYTON. That is agreeable to me.

The SPEAKER. Is there objection to the request as amended by the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn, and pending that, the Chair lays before the House the following personal requests:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOREING, indefinitely, on account of important business.

To Mr. TAWNEY, for two weeks, on account of illness.

To Mr. BOWERSOCK, for two days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted Mr. HENRY C. SMITH to withdraw from the files of the House, without leaving copies, papers in the case of Jehu F. Wotring, Fifty-sixth Congress, no adverse report having been made thereon.

The motion of Mr. PAYNE was then agreed to.

Accordingly the House (at 4 o'clock and 24 minutes) adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting copies of communications from officials of the Louisiana Purchase Exposition relating to an extension of time for opening said exposition—to the Committee on Industrial Arts and Expositions, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13354) to continue the publication of the Supplement to the Revised Statutes, reported the same without amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901, reported the same without amendment, accompanied by a report (No. 1871); which said

bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 1977) to incorporate the Lake Erie and Ohio River Ship Canal Company, and defining the powers thereof, reported the same with amendments, accompanied by a report (No. 1872); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 66) appropriating $1,500 to investigate the fishery interests on the Pacific coast, reported the same with amendments, accompanied by a report (No. 1873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Texas, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3123) to make Port Arthur, Tex., a subport of entry and delivery in the customs district of Galveston, reported the same without amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5052) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War, reported the same without amendment, accompanied by a report (No. 1875); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3375) relating to the construction of a dam across Rainy River, reported the same without amendment, accompanied by a report (No. 1876); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2336) granting a pension to Rebecca Coppinger, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4506) granting an increase of pension to Ann E. Collier, reported the same with amendment, accompanied by a report (No. 1856); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3279) granting a pension to John Coolen, reported the same without amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2036) granting an increase of pension to Etta Adair Anderson, reported the same without amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3331) granting a pension to Ada V. Park, reported the same without amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12428) granting an increase of pension to Elizabeth G. Getty, reported the same without amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13807) granting a pension to Jeremiah Horan, reported the same with amendments, accompanied by a report (No. 1861); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13395) granting a pension to Arthur J. Bushnell, reported the same with amendment, accompanied by a report (No. 1862); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7906) granting a pension to Martha G. Young, reported the same with amendments, accompanied by a report (No. 1863); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6030) granting an increase of pension to William G. De Garis, reported the same with amendments, accompanied by a report (No. 1864); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11395) granting a pension to Mary Pitman, reported the same with amendments, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12379) granting a pension to Nancy M. Richmond, reported the same with amendments, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13423) granting an increase of pension to Elizabeth Wall, reported the same with amendments, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13332) granting an increase of pension to W. G. Cantley, reported the same with amendments, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11495) granting an increase of pension to Mary A. Bailey, reported the same with amendments, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 5228) for the relief of George E. W. Sharretts, reported the same with amendment, accompanied by a report (No. 1877); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13355) granting an increase of pension to William H. Snyder, reported the same with amendment, accompanied by a report (No. 1878); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13266) granting an increase of pension to Elbert N. Remson, reported the same with amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14055) granting an increase of pension to Samuel Brown, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAWRENCE: A bill (H. R. 14165) to prohibit the sale of intoxicating liquors in immigrant stations owned or used by the United States Government or in the grounds appertaining to the same—to the Committee on Immigration and Naturalization.

By Mr. SULZER: A bill (H. R. 14166) to establish the Department of Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 14186) to abolish all duties upon live cattle, hogs, and sheep imported from foreign countries—to the Committee on Ways and Means.

By Mr. HAY: A resolution (H. Res. 236) calling for information from the Secretary of War as to cost of army in the Philippines—to the Committee on Insular Affairs.

By Mr. NAPHEN: A resolution (H. Res. 237) requesting information from the Secretary of the Interior relating to leased public lands—to the Committee on the Public Lands.

By Mr. SUTHERLAND: A resolution (H. Res. 238) requesting information from the Secretary of the Interior relating to recent surveys of the agricultural lands and water resources of the Uintah Indian Reservation in Utah—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Texas: A bill (H. R. 14167) for the relief of Edward P. Alsbury—to the Committee on War Claims.

Also, a bill (H. R. 14168) granting a pension to J. B. Anderson—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 14169) granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14170) granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, a bill (H. R. 14171) granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, a bill (H. R. 14172) granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 14173) to correct the military record of Jonathan King—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 14174) granting an increase of pension to Griffith T. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) for the relief of Miss L. V. Belt, administratrix of estate of Alfred C. Belt, deceased—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 14176) for the relief of the heirs of James W. Fennell, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 14177) granting a pension to James M. McKeown—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 14178) for the relief of George W. Goolby—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 14179) for the relief of W. A. Galloway, of Jacksonville, Ark.—to the Committee on Claims.

Also, a bill (H. R. 14180) for the relief of Daniel Guffey, of Casa, Ark.—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 14181) granting a pension to Moses G. Coates—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14183) to reimburse the members of the Fifty-first Iowa regimental band for the use of musical instruments and music during the war with Spain—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting an increase of pension to Albert Blood—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 14187) for the relief of Louis J. Souer, collector internal revenue, district of Louisiana—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Will F. Stewart Post, No. 180, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of N. R. Tannehill, of Canonsburg, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. BELL: Petition of S. Honig, L. E. Rass, and other citizens of Colorado, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BENTON: Paper to accompany House bill granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14169, granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14171, granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, papers in support of House bill 14170, granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, papers in support of House bill 14172, granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Polish Society of Carnegie, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DEEMER: Resolutions of Colonel D. L. Montgomery Post, No. 264, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolutions of the Maine State Board of Trade, for the establishment of lobster hatcheries on the coast of Maine—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS: Resolutions of the Eastern Montana Wool Growers' Association, Miles City, Mont., urging the enactment of House bill 6565, providing for the inspection of mixed goods and the proper marking of the same—to the Committee on Ways and Means.

Also, memorial of the same association, for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. HEPBURN: Resolutions of Mine Workers' Union of Seymour, Iowa, against foreign immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same union, favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the General Conference of the Reorganized Church of Jesus Christ of Latter-Day Saints, held at Lamoni, Iowa, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, resolution of the Iowa Bankers' Association, Council Bluffs, Iowa, in opposition to the passage of the so-called Fowler bill—to the Committee on Banking and Currency.

By Mr. HOWELL: Petition of citizens of Third Congressional district of New Jersey, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LASSITER: Resolutions of Norfolk (Va.) Chamber of Commerce, favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of Twenty-seventh District Republican Club, New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MEYER of Louisiana: Papers to accompany House bill for the relief of Louis J. Soner—to the Committee on Claims.

By Mr. REID: Papers to accompany House bill 14179, for the relief of W. A. Galloway, of Jacksonville, Fla.—to the Committee on Claims.

Also, paper to accompany House bill 14180, for the relief of Daniel Guffy—to the Committee on Invalid Pensions.

Also, petition of citizens of Conway County, Ark., in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also (by request), petition of citizens of Perry County, Ark., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SCHIRM: Resolutions of Lodge No. 193, Boiler Makers and Iron-ship Builders' Union, Baltimore, Md., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of the Piano and Organ Workers' Union of Derby, Conn., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

Also, resolutions of the common council of Hartford, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Retail Butchers and Grocers' Protective Association of New Haven, Conn., favoring a Sunday-closing law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of Louis Bloom and others, of New York City, for the repeal of the duties on meats—to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 3, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

DENTAL SURGEONS IN NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 14th ultimo, certain information furnished by the Surgeon-General of the Navy relative to the enlistment and detailment of dental surgeons to treat the officers and men of the Navy, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

EXTENSION OF THE CAPITOL.

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, plans for the extension of the central portion of the Capitol and for the renovation and decoration of the Rotunda; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.